

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—

GENERAL PROVISIONS

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Subchapter B. GENERAL LICENSE, CERTIFICATION AND

REGISTRATION PROVISIONS

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§ 16.11. Licenses, certificates and registrations.

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(c) The following registrations and certifications are issued by the Board:

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(12) Certification as behavior specialist.

(13) Biennial registration of a behavior specialist certification.

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§ 16.13. Licensure, certification, examination and registration fees.

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(k) *Behavior Specialist certification*

Application for certification as behavior specialist\$ 70

Biennial renewal of behavior specialist certification\$ 75

Application for reactivation of behavior specialist certification\$ 70

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CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS

OTHER THAN MEDICAL DOCTORS

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Subchapter I. BEHAVIOR SPECIALISTS

§ 18.521. Purpose.

This subchapter implements section 635.2(g) of the act of May 17, 1921 (P.L. 682, No. 284) known as The Insurance Company Law of 1921 (40 P.S. § 764h(g)), which was added by section 3 of the act of July 9, 2008 (P.L. ____, No. 62) to provide for the certification of behavior specialists.

§ 18.522. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Applied behavioral analysis – As defined in section 635.2(f)(1) of the Insurance Company Law of 1921 (40 P.S. § 764h(f)(1)), the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior or to prevent loss of attained skill or function, including the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

Autism spectrum disorders – As defined in section 635.2(f)(3) of the Insurance Company Law of 1921 (40 P.S. § 764h(f)(3)), any of the pervasive developmental disorders defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), or its successor, including autistic disorder, Asperger’s disorder and pervasive developmental disorder

not otherwise specified.

Behavior specialist – As defined in section 635.2(f)(4) of the Insurance Company Law of 1921 (40 P.S. § 764h(f)(4)), an individual who designs, implements or evaluates a behavior modification intervention component of a treatment plan, including those based on applied behavioral analysis, to produce socially significant improvements in human behavior or to prevent loss of attained skill or function, through skill acquisition and the reduction of problematic behavior.

Diagnostic assessment of autism spectrum disorders – As defined in section 635.2(f)(5) of the Insurance Company Law of 1921 (40 P.S. § 764h(f)(5)), medically necessary assessments, evaluations or tests performed by a licensed physician, licensed physician assistant, licensed psychologist or certified registered nurse practitioner to diagnose whether an individual has an autism spectrum disorder.

§ 18.523. Application for certification as behavior specialist.

(a) An applicant for certification as a behavior specialist shall submit, on forms supplied by the Board, a completed application, including all necessary supporting documents, for certification as a behavior specialist and pay the fee of § 16.13(k) for application for certification as behavior specialist.

(b) Except as otherwise provided in subsections (c) and (d), the Board will certify as a behavior specialist an applicant who demonstrates that the applicant satisfies the requirements of section 635.2(g)(2) of the Insurance Company Act of 1921 (40 P.S. § 764h(g)(2)) for registration as a behavior specialist, as provided in § 18.524 (relating to criteria for certification as behavior specialist), and otherwise complies with this subchapter.

(c) In its discretion, the Board may deny an application for certification as a behavior

specialist upon the grounds for disciplinary action set forth in § 18.527 (relating to disciplinary action for certified behavior specialist).

(d) The Board will not grant an application for certification as a behavior specialist of an applicant who has been convicted of a felony offense as provided in section 635.2(g)(3) of the Insurance Company Act of 1921 (40 P.S. § 764h(g)(3)), unless at least 10 years have elapsed from the date of conviction and the applicant has satisfactorily demonstrated to the Board that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of the applicant’s patients or the public or a substantial risk of further criminal violations.

§ 18.524. Criteria for certification as behavior specialist.

(a) As required by section 635.2(g)(2)(ii) of the Insurance Company Act of 1921 (40 P.S. § 764h(g)(2)(ii)), an applicant for certification as a behavior specialist must have received a master’s or higher degree from a board-approved, accredited college or university, including a major course of study in school, clinical or counseling psychology, special education, social work, speech therapy, occupational therapy or another related field.

(b) As required by section 635.2(g)(2)(iii) of the Insurance Company Act of 1921 (40 P.S. § 764h(g)(2)(iii)), an applicant for certification as a behavior specialist must have at least one year of experience involving functional behavior assessments, including the development and implementation of behavioral supports or treatment plans.

(c) As required by section 635.2(g)(2)(iv) of the Insurance Company Act of 1921 (40 P.S. § 764h(g)(2)(iv)), an applicant for certification as a behavior specialist must have completed at least 1,000 hours in direct clinical experience with individuals with behavioral challenges or at

least 1,000 hours of experience in a related field with individuals with autism spectrum disorders.

(d) As required by section 635.2(g)(2)(v) of the Insurance Company Act of 1921 (40 P.S. § 764h(g)(2)(v)), an applicant for certification as a behavior specialist must have completed relevant training programs, including professional ethics, autism-specific training, assessments training, instructional strategies and best practices, crisis intervention, comorbidity and medications, family collaboration, and addressing specific skill deficits training.

§ 18.525. Renewal of certification as behavior specialist.

(a) A certification issued under this subchapter expires on December 31 of the even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last address given to the Board.

(c) To retain certification as a behavior specialist, the certificate holder shall renew certification in the manner prescribed by the Board and pay the required biennial renewal fee prior to the expiration of the current biennium.

(d) In order to renew certification as a behavior specialist, the certificate holder shall apply on forms supplied by the Board, fully answer all questions, and pay the current renewal fee specified in § 16.13(k).

§ 18.526. Inactive status of certification as behavior specialist.

(a) Certification as a behavior specialist will become inactive upon either of the following:

(1) The certificate holder in writing affirmatively requests the Board to place certification on inactive status. Written confirmation of inactive status will be forwarded to the certificate holder.

(2) The certificate holder fails to renew the certificate by the expiration of the renewal period.

(b) Unless reactivated retroactively as provided for in this section, a person previously certified as a behavior specialist is not considered to be a certificate holder during any period when the certification was inactive.

(c) In order to reactivate an inactive certification, the certificate holder shall apply on forms supplied by the Board, answer all questions fully, and pay the current renewal fee, if not previously paid, and the reactivation application fee specified in § 16.13(k).

(d) A certificate holder may reactivate an expired certification retroactive to the beginning of the current or a previous biennial renewal period by complying with subsection (c) and paying the renewal fee for each previous biennial renewal period and a late fee of \$5 per month for each month or part of month that the certificate was expired subsequent to the retroactive effective date of reactivation.

§ 18.527. Disciplinary action for certified behavior specialist.

In accordance with section 635.2(g)(1) of the Insurance Company Act of 1921 (40 P.S. § 764h(g)(1)), a certificate holder is subject to all disciplinary provisions applicable to medical doctors as set forth in the Act. Following a final determination subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure), the Board may impose any of the corrective actions of section 42 of the act (63 P.S. § 422.42) upon a certified behavior specialist who commits any act for which the Board would be authorized to take disciplinary action against a medical doctor under section 41 of the act (63 P.S. § 422.41), including unprofessional or immoral conduct as defined in § 16.61 (relating to unprofessional

and immoral conduct).

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