

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/22/23 S4/4/23

A Bill

HOUSE BILL 1189

5 By: Representative Clowney
6 By: Senators K. Hammer, *Irvin*
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE ARKANSAS BEHAVIOR ANALYST
10 LICENSURE ACT; AND FOR OTHER PURPOSES.
11

Subtitle

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13
14 TO CREATE THE ARKANSAS BEHAVIOR ANALYST
15 LICENSURE ACT.
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 17, Subchapter 97, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 6 – Behavior Analysts
23

24 17-97-601. Title.

25 This subchapter shall be known and may be cited as the "Arkansas
26 Behavior Analyst Licensure Act".
27

28 17-97-602. Definitions.

29 As used in this subchapter:

30 (1) "Behavior technician" means a paraprofessional who:

31 (A) Practices under the close, ongoing supervision of a
32 licensed behavior analyst;

33 (B) Does not design assessment or intervention plans or
34 procedures; and

35 (C) Delivers services as assigned by his or her
36 supervisor;



1 (2) "Licensed behavior analyst" means an individual who is
2 licensed to practice behavior analysis independently by the Arkansas
3 Psychology Board under this subchapter; and

4 (3)(A) "Practice of applied behavior analysis" means the design,
5 implementation, and evaluation of instructional and environmental
6 modifications to produce socially significant improvements in human behavior,
7 including:

8 (i) The empirical identification of functional
9 relations between behavior and environmental factors, known as functional
10 assessment and analysis; and

11 (ii) Applied behavior analysis interventions based
12 on scientific research and direct and indirect observation and measurement of
13 behavior and environment which utilize contextual factors, motivating
14 operations, antecedent stimuli, positive reinforcement, and other procedures
15 to help individuals develop new behaviors, increase or decrease existing
16 behaviors, and emit behaviors under specific environmental conditions.

17 (B) "Practice of applied behavior analysis" does not
18 include diagnosis of disorders, psychotherapy, cognitive therapy,
19 psychoanalysis, or counseling.

20
21 17-97-603. Unlawful practice of applied behavior analysis.

22 (a) Unless licensed under this subchapter or exempt under § 17-97-604,
23 a person shall not:

24 (1) Hold himself or herself out to be a licensed behavior
25 analyst;

26 (2) Use any combination or abbreviation of the term "licensed
27 behavior analyst" to indicate or imply that he or she is a licensed behavior
28 analyst; or

29 (3) Perform the practice of applied behavior analysis.

30 (b)(1) A person found to be in violation of this subchapter is subject
31 to a fine of no less than five hundred dollars (\$500).

32 (2) A person licensed under this subchapter who violates this
33 subchapter is subject to administrative sanctions and penalties, including
34 without limitation revocation of his or her license.

35
36 17-97-604. Exemptions.

1 This subchapter does not prohibit or restrict the practice of any of
2 the following:

3 (1) An individual licensed to practice psychology in this state
4 and an individual who delivers psychological services under his or her
5 supervision if the:

6 (A) Applied behavior analysis services provided are within
7 the boundaries of the licensed psychologist's education, training,
8 competence, and scope of practice; and

9 (B) Licensed psychologist does not represent that he or
10 she is a licensed behavior analyst unless he or she is also licensed under
11 this subchapter;

12 (2) An individual licensed to practice other professions in this
13 state and an individual who delivers services under his or her supervision,
14 if the:

15 (A) Applied behavior analysis services provided are within
16 the boundaries of the licensed professional's education, training,
17 competence, and scope of practice; and

18 (B) Licensed professional does not represent that he or
19 she is a licensed behavior analyst unless he or she is also licensed under
20 this subchapter;

21 (3)(A) A behavior technician who delivers applied behavior
22 analysis services under the extended authority and direction of a licensed
23 behavior analyst.

24 (B) A behavior technician shall not represent themselves
25 as a professional behavior analyst and shall use titles that indicate their
26 nonprofessional status, such as "ABA technician", "behavior technician", or
27 "tutor";

28 (4)(A) A caregiver of a recipient of applied behavior analysis
29 services who delivers those services to the recipient under the extended
30 authority and direction of a licensed behavior analyst.

31 (B) An individual under subdivision (4)(A) of this section
32 shall not represent himself or herself as a "professional behavior analyst";

33 (5)(A) A behavior analyst who practices with nonhumans,
34 including applied animal behaviorists and animal trainers.

35 (B) An individual described under subdivision (5)(A) of
36 this section may use the title "behavior analyst" but shall not represent

1 himself or herself as a licensed behavior analyst unless licensed under this
2 subchapter;

3 (6)(A) A professional who provides general applied behavior
4 analysis services to organizations if those services are for the benefit of
5 the organizations and do not involve direct services to individuals.

6 (B) An individual described under subdivision (6)(A) of
7 this section may use the title "behavior analyst" but shall not represent
8 himself or herself as a licensed behavior analyst unless licensed under this
9 subchapter;

10 (7)(A) A matriculated college or university student or
11 postdoctoral fellow whom applied behavior analysis activities are part of a
12 defined program of study, course, practicum, internship, or fellowship and
13 are directly supervised by a licensed behavior analyst in this state or a
14 qualified faculty member.

15 (B) An individual described under subdivision (7)(A) of
16 this section shall not represent themselves as professional behavior analysts
17 and shall use titles that clearly indicate their trainee status, such as
18 "student", "intern", or "trainee";

19 (8)(A) An individual who teaches behavior analysis or conduct
20 behavior-analytic research if the activities do not involve the direct
21 delivery of applied behavior analysis services beyond the typical parameters
22 of applied research.

23 (B) An individual described under subdivision (9)(A) of
24 this section may use the title "behavior analyst" but shall not represent
25 himself or herself as a licensed behavior analyst unless licensed under this
26 subchapter;

27 (9) A behavior analyst licensed in another jurisdiction to
28 practice independently and who practice in this state for no more than twelve
29 (12) weeks within a calendar year upon approval of a temporary license; or

30 (10)(A) An individual employed by a school district performing
31 the duties of his or her positions.

32 (B) An individual described under subdivision (11)(A) of
33 this section shall not:

34 (i) Represent himself or herself as a licensed
35 behavior analyst unless licensed under this subchapter; or

36 (ii) Offer applied behavior analysis services to any

1 persons or entities other than his or her school employer or accept
2 remuneration for providing applied behavior analysis services other than the
3 remuneration he or she receives from his or her school employer.

4
5 17-97-605. Licensure.

6 Each applicant for licensure as a licensed behavior analyst shall
7 submit to the Arkansas Psychology Board:

8 (1) An application;

9 (2) Appropriate application fees as determined by the Arkansas
10 Psychology Board;

11 (3) Evidence that the applicant has successfully completed a
12 criminal background check; and

13 (4) Evidence of his or her current certification as a board-
14 certified behavior analyst or a board-certified behavior analyst-doctoral
15 verified by the board.

16
17 17-97-606. Expiration and renewal.

18 (a) A license under this subchapter shall be granted for a period of
19 two (2) years.

20 (b) Before expiration of a license, the license may be renewed upon
21 submission of:

22 (1) A renewal application;

23 (2) Appropriate renewal fees determined by the Arkansas
24 Psychology Board; and

25 (3) Evidence of verification of current certification.

26
27 17-97-607. Temporary license.

28 (a) A behavior analyst licensed in another jurisdiction or who holds
29 current certification as a board-certified behavior analyst, board-certified
30 behavior analyst-doctoral, board-certified assistant behavior analyst, or
31 equivalent, issued by the Behavior Analyst Certification Board, Inc., or its
32 equivalent approved by the Arkansas Psychology Board to practice
33 independently who provides applied behavior analysis services in this state
34 on a short-term basis may apply for a temporary license.

35 (b) An applicant for a temporary license shall submit an application
36 and fee established by the Arkansas Psychology Board and evidence that their

1 practice in the jurisdiction will be temporary as defined by the Arkansas
2 Psychology Board in rules.

3 (c) A temporary license shall be granted only if the Arkansas
4 Psychology Board verifies the applicant's licensure or certification status
5 with the relevant entity.

6
7 17-97-608. Reciprocity.

8 (a) The Arkansas Psychology Board may issue a license to a person who
9 is currently licensed as a behavior analyst in good standing in another
10 jurisdiction that imposes licensure requirements comparable to those
11 specified in this subchapter, including holding current certification as a
12 board-certified behavior analyst or a board-certified behavior analyst-
13 doctoral or equivalent, issued by the Behavior Analyst Certification Board or
14 its equivalent.

15 (b) An applicant for reciprocal licensure under this section shall
16 have current licensure verified by the board and comply with other
17 requirements under § 17-97-605.

18
19 17-97-609. Regulation by Arkansas Psychology Board.

20 (a) The Arkansas Psychology Board shall administer the provisions of
21 this subchapter under such procedures as it considers advisable and may adopt
22 rules that are reasonable and necessary to implement the provisions of this
23 subchapter.

24 (b) The Arkansas Psychology Board may adopt the Ethics Code for
25 Behavior Analysts issued by the Behavior Analyst Certification Board, Inc.,
26 as existing on January 1, 2023.

27
28 *SECTION 2. Arkansas Code § 17-97-201(a)(3), concerning the creation*
29 *and members of the Arkansas Psychology Board, is amended to add an additional*
30 *subdivision to read as follows:*

31 (D) At least two (2) of the members appointed under
32 subdivision (a)(2) of this section shall be licensed psychologists who are
33 board-certified behavior analysts.

34
35 /s/Clowney

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1622

5 By: Representative A. Collins
6 By: Senator J. Boyd
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE HEART ATTACK TASK FORCE; TO
10 PROVIDE FOR THE POWERS AND DUTIES OF THE HEART ATTACK
11 TASK FORCE; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE THE HEART ATTACK TASK FORCE;
16 AND TO PROVIDE FOR THE POWERS AND DUTIES
17 OF THE HEART ATTACK TASK FORCE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 20, Chapter 8, is amended to add an
23 additional subchapter to read as follows:

Subchapter 12 – Heart Attack Task Force

20-8-1201. Legislative findings.

The General Assembly finds that:

28 (1) Heart diseases are the leading cause of death in the United
29 States;

30 (2) The heart attack morality rate in Arkansas is among the
31 highest in the nation; and

32 (3) Recommendations developed by experts working together can
33 assist the State Board of Health in developing standards and policies to
34 reduce the human and financial costs of heart attacks in Arkansas.
35

20-8-1202. Heart Attack Task Force – Creation – Membership.

36

1 (a)(1) There is created a Heart Attack Task Force to consist of
2 fourteen (14) members to include members from all national organizations in
3 this area of concern.

4 (2)(A) All national organizations shall have local chapters.

5 (B) If an organization no longer has a local chapter, the
6 total number of members may be reduced to reflect that the organization has
7 no local chapter in this state and no member may be appointed to represent
8 the organization.

9 (b) The Secretary of the Department of Health shall appoint:

10 (1) One (1) member to represent the Department of Health;

11 (2) One (1) member to represent the American Heart Association
12 and the American Stroke Association;

13 (3) One (1) member to represent the Arkansas Minority Health
14 Commission;

15 (4) One (1) member to represent the Arkansas Hospital
16 Association, Inc.;

17 (5) One (1) member to represent the Arkansas Foundation for
18 Medical Care, Inc.;

19 (6) One (1) member to represent the College of Public health of
20 the University of Arkansas for Medical Sciences;

21 (7) One (1) member to represent the American College of
22 Cardiology;

23 (8) One (1) member to represent emergency medical services;

24 (9) One (1) member to represent the Arkansas Medical Society,
25 Inc.;

26 (10) One (1) member to represent the medical insurance industry;

27 (11) One (1) member to represent the community at large;

28 (12) One (1) member to represent the Arkansas Pharmacists
29 Association;

30 (13) One (1) member to represent the American College of
31 Emergency Physicians; and

32 (14) One (1) member to represent the Arkansas Nurses
33 Association.

34 (c)(1) Except for the initial members, members shall serve three-year
35 terms.

36 (2) The initial members shall be assigned by lot so as to

1 stagger terms to equalize as nearly as possible the number of members to be
 2 appointed each year.

3 (d) If a vacancy occurs, the secretary shall appoint a person who
 4 represents the same constituency as the member being replaced.

5 (e) The task force shall elect one (1) of its members to act as chair
 6 for a term of one (1) year.

7 (f) A majority of the members shall constitute a quorum for the
 8 transaction of business.

9 (g) The task force shall meet as necessary to further the intent and
 10 purpose of this subchapter.

11
 12 20-8-1203. Powers and duties.

13 The Heart Attack Task Force shall:

14 (1) Make recommendations to the State Board of Health consistent
 15 with the intent and purpose of this subchapter;

16 (2) Pursue both public and private funding to further the intent
 17 of this subchapter; and

18 (3) Develop standards and policy recommendations including
 19 without limitation the following:

20 (A) Methods for raising public awareness of the prevalence
 21 and treatment considerations for heart attacks;

22 (B) The professional development of emergency medical
 23 services professionals to identify victims of heart attacks;

24 (C) The professional development of emergency room and
 25 hospital personnel to identify and treat victims of potential heart attacks;

26 (D) Methods for encouraging the use of accepted or
 27 emerging treatments, when appropriate;

28 (E) Methods for ensuring that a comprehensive range of
 29 heart attack recovery services are available to Arkansans recovering physical
 30 and mental functions affected by a heart attack;

31 (F) Methods for developing heart attack treatment centers;
 32 and

33 (G) Methods for developing and implementing a state heart
 34 attack registry.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 509

5 By: Senator Flippo
6 By: Representative Fortner
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING STIPENDS FOR
10 MEMBERS OF THE BOARD OF CORRECTIONS; TO AMEND THE LAW
11 CONCERNING STIPENDS FOR MEMBERS OF STATE BOARDS; AND
12 FOR OTHER PURPOSES.
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14

Subtitle

15 TO AMEND THE LAW CONCERNING STIPENDS FOR
16 MEMBERS OF THE BOARD OF CORRECTIONS; AND
17 TO AMEND THE LAW CONCERNING STIPENDS FOR
18 MEMBERS OF STATE BOARDS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 25-16-904(4), concerning the authorization
25 for a state board stipend of eighty five dollars (\$85), is repealed.

26 ~~(4) Board of Corrections;~~
27

28 SECTION 2. Arkansas Code § 25-16-905, concerning the authorization for
29 a state board stipend of one hundred and ten dollars (\$110), is amended to
30 add an additional subdivision to read as follows:

31 (10) Board of Corrections.
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