

# HOUSE BILL 150

J2

4r0880  
CF SB 694

---

By: **Delegate Reznik**

Introduced and read first time: January 13, 2014

Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2014

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations – Maryland Behavior Analysts Act**

3 FOR the purpose of establishing the Behavior Analyst Advisory Committee within the  
4 State Board of Professional Counselors and Therapists; requiring the ~~Board~~  
5 Committee to adopt certain regulations and a certain code of ethics; requiring  
6 the ~~Board~~ Committee to set certain fees for services provided by the ~~Board~~  
7 Committee to behavior analysts; requiring the Board to pay the fees to the  
8 Comptroller; requiring the Comptroller to distribute the fees to the Board;  
9 requiring the fees to be used to cover certain costs; providing for the  
10 composition, appointment, and terms of the Committee members; establishing  
11 certain powers and duties of the Committee; requiring certain persons to be  
12 licensed by the ~~Board~~ Committee as behavior analysts before performing certain  
13 work in the State except under certain circumstances; establishing certain  
14 education and experience requirements to qualify for a license; establishing  
15 certain application fees and requirements for obtaining a license; establishing  
16 certain terms and procedures for the renewal and reinstatement of a license;  
17 requiring the ~~Board~~ Committee to issue a license to certain applicants;  
18 specifying the contents of a license; prohibiting the ~~Board~~ Committee from  
19 issuing a license if certain information has not been received; ~~requiring the~~  
20 ~~Board to maintain a certain roster~~; requiring the ~~Board~~ Committee to place a  
21 licensee on inactive status under certain circumstances; prohibiting a licensee  
22 from surrendering a license under certain circumstances; requiring a licensee to  
23 notify the ~~Board~~ Committee of a change of name or address in a certain manner  
24 and within a certain time period; authorizing the Board to deny a license to an  
25 applicant, reprimand a licensee, place a licensee on probation, or suspend or

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 revoke a license under certain circumstances; establishing certain requirements  
 2 for reinstatement of a revoked license; providing for certain criminal, civil, and  
 3 administrative penalties; establishing certain hearing and appeal procedures for  
 4 behavior analysts; authorizing the Board to issue a cease and desist order under  
 5 certain circumstances; authorizing a certain action to be maintained to enjoin  
 6 the unauthorized practice of behavior analysis or certain conduct; providing for  
 7 a certain behavior analyst rehabilitation ~~committee~~ subcommittee; specifying  
 8 the functions of the behavior analyst rehabilitation ~~committee~~ subcommittee;  
 9 providing that the proceedings, records, and files of the behavior analyst  
 10 rehabilitation ~~committee~~ subcommittee are not discoverable or admissible in  
 11 evidence in certain actions under certain circumstances; providing that a  
 12 certain person is not civilly liable for certain action as a member of a behavior  
 13 analyst rehabilitation ~~committee~~ subcommittee; prohibiting a person from  
 14 practicing, attempting to practice, or offering to practice behavior analysis in  
 15 the State unless licensed by the ~~Board~~ Committee except under certain  
 16 circumstances; prohibiting a person from representing to the public that the  
 17 person is a licensed behavior analyst or using certain titles, abbreviations,  
 18 signs, cards, or other representations except under certain circumstances;  
 19 requiring the Board to pay certain penalties into the State Board of Professional  
 20 Counselors and Therapists Fund; establishing a certain short title; providing  
 21 that the Committee is subject to the provisions of the Maryland Program  
 22 Evaluation Act; requiring that an evaluation of the Committee and statutes and  
 23 regulations that relate to the Committee be performed on or before a certain  
 24 date; defining certain terms; specifying the terms of the initial members of the  
 25 ~~Board~~ Committee; providing for the termination of certain provisions of this Act;  
 26 and generally relating to the licensing and regulation of behavior analysts and  
 27 the Behavior Analyst Advisory Committee.

28 BY renumbering

29 Article – State Government  
 30 Section 8–403(b)(8) through (56), respectively  
 31 to be Section 8–403(b)(9) through (57), respectively  
 32 Annotated Code of Maryland  
 33 (2009 Replacement Volume and 2013 Supplement)

34 BY adding to

35 Article – Health Occupations  
 36 Section 17–6A–01 through ~~17–6A–33~~ 17–6A–31 to be under the new subtitle  
 37 “Subtitle 6A. Behavior Analysts”  
 38 Annotated Code of Maryland  
 39 (2009 Replacement Volume and 2013 Supplement)

40 BY repealing and reenacting, without amendments,

41 Article – State Government  
 42 Section 8–403(a)  
 43 Annotated Code of Maryland  
 44 (2009 Replacement Volume and 2013 Supplement)

1 BY adding to  
2 Article – State Government  
3 Section 8–403(b)(8)  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2013 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That Section(s) 8–403(b)(8) through (56), respectively, of Article – State  
8 Government of the Annotated Code of Maryland be renumbered to be Section(s)  
9 8–403(b)(9) through (57), respectively.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
11 read as follows:

12 **Article – Health Occupations**

13 **SUBTITLE 6A. BEHAVIOR ANALYSTS.**

14 **17–6A–01.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (B) “COMMITTEE” MEANS THE BEHAVIOR ANALYST ADVISORY  
18 COMMITTEE ESTABLISHED UNDER § 17–6A–05 OF THIS SUBTITLE.

19 (C) “LICENSE” MEANS A LICENSE ISSUED BY THE ~~BOARD~~ BOARD COMMITTEE  
20 TO PRACTICE BEHAVIOR ANALYSIS.

21 (D) “LICENSED BEHAVIOR ANALYST” MEANS AN INDIVIDUAL WHO IS  
22 LICENSED BY THE ~~BOARD~~ BOARD COMMITTEE TO PRACTICE BEHAVIOR ANALYSIS.

23 (E) “LICENSEE” MEANS A LICENSED BEHAVIOR ANALYST.

24 (F) (1) “PRACTICE OF BEHAVIOR ANALYSIS” MEANS THE DESIGN,  
25 IMPLEMENTATION, AND EVALUATION OF SYSTEMATIC INSTRUCTIONAL AND  
26 ENVIRONMENTAL MODIFICATIONS TO PRODUCE SOCIALLY SIGNIFICANT  
27 IMPROVEMENTS IN HUMAN BEHAVIOR.

28 (2) “PRACTICE OF BEHAVIOR ANALYSIS” INCLUDES:

29 (I) THE EMPIRICAL IDENTIFICATION OF FUNCTIONAL  
30 RELATIONS BETWEEN BEHAVIOR AND ENVIRONMENTAL FACTORS, KNOWN AS  
31 FUNCTIONAL ASSESSMENT AND ANALYSIS; AND

1 (II) INTERVENTIONS BASED ON SCIENTIFIC RESEARCH AND  
 2 THE DIRECT OBSERVATION AND MEASUREMENT OF BEHAVIOR AND  
 3 ENVIRONMENT.

4 (3) "PRACTICE OF BEHAVIOR ANALYSIS" DOES NOT INCLUDE  
 5 PSYCHOLOGICAL TESTING, DIAGNOSIS OF A MENTAL OR PHYSICAL DISORDER,  
 6 NEUROPSYCHOLOGY, PSYCHOTHERAPY, COGNITIVE THERAPY, SEX THERAPY,  
 7 PSYCHOANALYSIS ~~OR~~, HYPNOTHERAPY, ~~OR LONG TERM~~ COUNSELING, OR ANY  
 8 SUBDISCIPLINE OF PSYCHOLOGY AS TREATMENT MODALITIES.

9 17-6A-02.

10 ~~UNLESS THE INDIVIDUAL USES AS A TITLE OR DESCRIBES THE SERVICES~~  
 11 ~~THE INDIVIDUAL PROVIDES BY USE OF THE WORDS "BEHAVIOR ANALYSIS" OR~~  
 12 ~~"BEHAVIOR ANALYST", THIS~~

13 (A) THIS SUBTITLE DOES NOT LIMIT THE USE OF THE TERMS  
 14 "BEHAVIOR ANALYSIS" OR "BEHAVIORAL ANALYSIS" BY AN INDIVIDUAL  
 15 AUTHORIZED TO PRACTICE UNDER THIS ARTICLE WHO IS PRACTICING WITHIN  
 16 THE INDIVIDUAL'S SCOPE OF PRACTICE.

17 (B) THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO  
 18 PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS LICENSED,  
 19 CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.

20 17-6A-03.

21 ~~THE BOARD~~ COMMITTEE SHALL ADOPT:

22 (1) REGULATIONS FOR THE LICENSURE AND PRACTICE OF  
 23 BEHAVIOR ANALYSIS; AND

24 (2) A CODE OF ETHICS FOR THE PRACTICE OF BEHAVIOR  
 25 ANALYSIS.

26 17-6A-04.

27 (A) (1) ~~THE BOARD~~ COMMITTEE SHALL SET REASONABLE FEES FOR  
 28 THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT  
 29 PROVIDES TO BEHAVIOR ANALYSTS.

1           **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS**  
2 **TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND**  
3 **THE OTHER SERVICES PROVIDED TO BEHAVIOR ANALYSTS.**

4           **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE**  
5 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

6           **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**  
7 **BOARD.**

8           **(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**  
9 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND**  
10 **REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF**  
11 **THIS SUBTITLE.**

12 **17-6A-05.**

13           **THERE IS A BEHAVIOR ANALYST ADVISORY COMMITTEE WITHIN THE**  
14 **BOARD.**

15 **17-6A-06.**

16           **(A) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE**  
17 **BOARD AS FOLLOWS:**

18           **(1) (I) ON OR BEFORE SEPTEMBER 30, 2014, FOUR BEHAVIOR**  
19 **ANALYSTS WHO:**

20                           **1. ARE CERTIFIED BY THE BEHAVIOR ANALYST**  
21 **CERTIFICATION BOARD; AND**

22                           **2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL**  
23 **EXPERIENCE; AND**

24           **(II) ON OR AFTER OCTOBER 1, 2014, FOUR LICENSED**  
25 **BEHAVIOR ANALYSTS WHO:**

26                           **1. ARE CERTIFIED BY THE BEHAVIOR ANALYST**  
27 **CERTIFICATION BOARD; AND**

28                           **2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL**  
29 **EXPERIENCE; AND**

1           **(2) ONE CONSUMER MEMBER WHO IS RECEIVING SERVICES, HAS**  
2 **RECEIVED SERVICES, OR HAS A CHILD WHO IS RECEIVING SERVICES FOR A**  
3 **BEHAVIORAL DISORDER, INCLUDING AN AUTISM SPECTRUM DISORDER.**

4           **(B) THE CONSUMER MEMBER OF THE COMMITTEE:**

5           **(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

6           **(2) MAY NOT BE OR EVER HAVE BEEN A BEHAVIOR ANALYST OR**  
7 **IN TRAINING TO BECOME A BEHAVIOR ANALYST;**

8           **(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A BEHAVIOR**  
9 **ANALYST OR IN TRAINING TO BECOME A BEHAVIOR ANALYST;**

10           **(4) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A**  
11 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO BEHAVIOR ANALYSIS;**

12           **(5) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES**  
13 **IN A COMMERCIAL OR PROFESSIONAL FIELD RELATED TO BEHAVIOR ANALYSIS;**  
14 **AND**

15           **(6) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT**  
16 **A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.**

17           **(C) (1) THE TERM OF A MEMBER IS 4 YEARS.**

18           **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**  
19 **THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1,**  
20 **2014.**

21           **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**  
22 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

23           **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**  
24 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**  
25 **APPOINTED AND QUALIFIES.**

26           **(5) A MEMBER MAY NOT SERVE MORE THAN 2 CONSECUTIVE FULL**  
27 **TERMS.**

28           **(D) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR**  
29 **MISCONDUCT.**

30 **17-6A-07.**

1           (A) FROM AMONG ITS MEMBERS, THE COMMITTEE ANNUALLY SHALL  
2 ELECT A CHAIR AND A VICE CHAIR.

3           (B) THE COMMITTEE SHALL DETERMINE:

4                 (1) THE MANNER OF ELECTION OF OFFICERS; AND

5                 (2) THE DUTIES OF EACH OFFICER.

6 **17-6A-08.**

7           (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE  
8 IS A QUORUM.

9           (B) (1) THE COMMITTEE SHALL MEET AT LEAST ONCE A YEAR, AT  
10 THE TIMES AND PLACES THAT IT DETERMINES.

11                 (2) THE COMMITTEE MAY HOLD SPECIAL MEETINGS IF:

12                         (I) REQUESTED BY THE BOARD; OR

13                         (II) THE CHAIR OR A MAJORITY OF THE MEMBERS THEN  
14 SERVING ON THE COMMITTEE CONSIDER A MEETING TO BE NECESSARY OR  
15 ADVISABLE.

16                 (3) REASONABLE NOTICE OF ALL COMMITTEE MEETINGS SHALL  
17 BE GIVEN IN THE MANNER DETERMINED BY THE COMMITTEE.

18           (C) A MEMBER OF THE COMMITTEE:

19                 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
20 COMMITTEE; BUT

21                 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
23 BUDGET.

24 **17-6A-09.**

25           IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN  
26 THIS SUBTITLE, THE COMMITTEE SHALL:

27                 (1) DEVELOP AND RECOMMEND TO THE BOARD, FOR THE  
28 APPROVAL OF THE BOARD, REGULATIONS TO CARRY OUT THIS SUBTITLE;

1           (2) DEVELOP AND RECOMMEND TO THE BOARD, FOR THE  
2 APPROVAL OF THE BOARD, A CODE OF ETHICS FOR THE PRACTICE OF  
3 BEHAVIOR ANALYSIS;

4           (3) DEVELOP AND RECOMMEND TO THE BOARD, FOR THE  
5 APPROVAL OF THE BOARD, THE REQUIREMENTS FOR LICENSURE AS A  
6 BEHAVIOR ANALYST, INCLUDING:

7                   (I) CRITERIA FOR THE EDUCATIONAL AND CLINICAL  
8 TRAINING OF LICENSED BEHAVIOR ANALYSTS; AND

9                   (II) CRITERIA FOR A PROFESSIONAL COMPETENCY  
10 EXAMINATION AND TESTING OF APPLICANTS FOR A LICENSE TO PRACTICE  
11 BEHAVIOR ANALYSIS;

12           (4) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING  
13 EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

14           (5) PROVIDE THE BOARD WITH RECOMMENDATIONS  
15 CONCERNING THE PRACTICE OF BEHAVIOR ANALYSIS;

16           (6) KEEP A RECORD OF ITS PROCEEDINGS; AND

17           (7) ~~SUBMIT AN ANNUAL REPORT~~ REPORT TO THE BOARD AS  
18 REQUIRED IN REGULATIONS ADOPTED BY THE BOARD.

19 17-6A-10.

20           (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING  
21 ~~OCTOBER 1, 2014~~ ON OR BEFORE JANUARY 1, 2015, AN INDIVIDUAL SHALL BE  
22 LICENSED BY THE ~~BOARD~~ COMMITTEE BEFORE THE INDIVIDUAL MAY PRACTICE  
23 BEHAVIOR ANALYSIS IN THE STATE.

24           (B) THIS SECTION DOES NOT APPLY TO A STUDENT ENROLLED IN AN  
25 EDUCATIONAL PROGRAM THAT MEETS THE CRITERIA OF § 17-6A-11(C)(2) OF  
26 THIS SUBTITLE WHILE ENGAGED IN AN UNPAID, CLINICAL EDUCATIONAL  
27 EXPERIENCE OF BEHAVIOR ANALYSIS.

28 17-6A-11.

29           (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN  
30 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.



1 (B) THE APPLICANT SHALL:

2 (1) BE OF GOOD MORAL CHARACTER; AND

3 (2) BE AT LEAST 18 YEARS OLD.

4 (C) THE APPLICANT SHALL:

5 (1) HAVE A CURRENT CERTIFICATION BY THE BEHAVIOR  
6 ANALYST CERTIFICATION BOARD OR ITS SUCCESSOR ORGANIZATION;

7 (2) HAVE RECEIVED A ~~BACHELOR'S OR~~ MASTER'S DEGREE OR  
8 HIGHER FROM A BEHAVIOR ANALYSIS EDUCATIONAL PROGRAM THAT IS  
9 ACCREDITED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD OR ITS  
10 SUCCESSOR ORGANIZATION;

11 (3) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN  
12 ENGLISH AS REQUIRED BY THE ~~BOARD~~ COMMITTEE; AND

13 (4) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE  
14 ~~BOARD~~ COMMITTEE.

15 (D) THE ~~BOARD~~ COMMITTEE SHALL WAIVE THE EDUCATION  
16 REQUIREMENTS UNDER SUBSECTION (C)(2) OF THIS SECTION IF AN INDIVIDUAL  
17 WAS CERTIFIED BY THE BEHAVIOR ANALYST CERTIFICATION BOARD ON OR  
18 BEFORE ~~SEPTEMBER~~ DECEMBER 30, 2014, AND IS CURRENTLY IN GOOD  
19 STANDING.

20 17-6A-12.

21 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

22 (1) SUBMIT AN APPLICATION TO THE ~~BOARD~~ COMMITTEE ON THE  
23 FORM THAT THE ~~BOARD~~ COMMITTEE REQUIRES;

24 (2) PAY TO THE ~~BOARD~~ COMMITTEE THE APPLICATION FEE SET  
25 BY THE ~~BOARD~~ COMMITTEE; AND

26 (3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
27 ACCORDANCE WITH § 17-501.1 OF THIS TITLE.

28 17-6A-13.

1 (A) THE ~~BOARD~~ COMMITTEE SHALL ISSUE A LICENSE TO ANY  
2 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

3 (B) THE ~~BOARD~~ COMMITTEE SHALL INCLUDE ON EACH LICENSE THAT  
4 THE ~~BOARD~~ COMMITTEE ISSUES:

5 (1) THE FULL NAME OF THE LICENSED BEHAVIOR ANALYST;

6 (2) THE DATES OF ISSUANCE AND EXPIRATION;

7 (3) A SERIAL NUMBER;

8 (4) THE SIGNATURES OF THE CHAIR AND THE VICE CHAIR OF THE  
9 ~~BOARD~~ COMMITTEE; AND

10 (5) THE SEAL OF THE BOARD.

11 (C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD  
12 INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE ~~BOARD~~  
13 COMMITTEE IN ACCORDANCE WITH § 17-501.1 OF THIS TITLE, IN DETERMINING  
14 WHETHER TO GRANT A LICENSE, THE ~~BOARD~~ COMMITTEE SHALL CONSIDER:

15 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

16 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

17 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE  
18 CRIME;

19 (IV) SUBSEQUENT WORK HISTORY;

20 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

21 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE  
22 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

23 (2) THE ~~BOARD~~ COMMITTEE MAY NOT ISSUE A LICENSE IF THE  
24 CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 17-501.1 OF  
25 THIS TITLE HAS NOT BEEN RECEIVED.

26 17-6A-14.

27 A BEHAVIOR ANALYST LICENSE AUTHORIZES THE LICENSEE TO PRACTICE  
28 BEHAVIOR ANALYSIS WHILE THE LICENSE IS EFFECTIVE.

1 ~~17-6A-15.~~

2 ~~(A) THE BOARD SHALL MAINTAIN A ROSTER THAT CONTAINS THE NAME~~  
3 ~~AND ADDRESS OF EACH BEHAVIOR ANALYST CURRENTLY LICENSED, LISTED~~  
4 ~~ALPHABETICALLY BY NAME AND GEOGRAPHICALLY BY ADDRESS.~~

5 ~~(B) THE BOARD SHALL:~~

6 ~~(1) RESPOND TO INQUIRIES FROM THE PUBLIC REGARDING~~  
7 ~~INFORMATION CONTAINED IN THE ROSTER; AND~~

8 ~~(2) ON REQUEST, PROVIDE COPIES OF THE ROSTER BY MAIL TO~~  
9 ~~THE PUBLIC.~~

10 ~~17-6A-16.~~ 17-6A-15.

11 (A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD COMMITTEE  
12 UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN  
13 THIS SECTION.

14 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD  
15 COMMITTEE SHALL SEND TO THE LICENSEE, BY FIRST-CLASS MAIL OR  
16 ELECTRONIC MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE, A  
17 RENEWAL NOTICE THAT STATES:

18 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

19 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
20 RECEIVED BY THE BOARD COMMITTEE FOR THE RENEWAL TO BE ISSUED AND  
21 MAILED BEFORE THE LICENSE EXPIRES; AND

22 (3) THE AMOUNT OF THE RENEWAL FEE.

23 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY  
24 RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE LICENSEE:

25 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

26 (2) PAYS TO THE BOARD COMMITTEE A RENEWAL FEE SET BY  
27 THE BOARD COMMITTEE; AND

28 (3) SUBMITS TO THE BOARD COMMITTEE:

1 (I) A RENEWAL APPLICATION ON THE FORM THAT THE  
2 ~~BOARD~~ COMMITTEE REQUIRES; AND

3 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
4 CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE ~~BOARD~~  
5 COMMITTEE UNDER SUBSECTION (D) OF THIS SECTION.

6 (D) THE ~~BOARD~~ COMMITTEE MAY ESTABLISH CONTINUING EDUCATION  
7 REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES UNDER THIS  
8 SECTION.

9 (E) THE ~~BOARD~~ COMMITTEE SHALL RENEW THE LICENSE OF EACH  
10 LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

11 ~~17-6A-17.~~ 17-6A-16.

12 (A) (1) THE ~~BOARD~~ COMMITTEE SHALL PLACE A LICENSEE ON  
13 INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE ~~BOARD~~ COMMITTEE:

14 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM  
15 REQUIRED BY THE ~~BOARD~~ COMMITTEE; AND

16 (II) THE INACTIVE STATUS FEE SET BY THE ~~BOARD~~  
17 COMMITTEE.

18 (2) (I) THE ~~BOARD~~ COMMITTEE SHALL LICENSE AN  
19 INDIVIDUAL ON INACTIVE STATUS WHO APPLIES FOR A LICENSE IF THE  
20 INDIVIDUAL:

21 1. COMPLIES WITH THE RENEWAL REQUIREMENTS  
22 THAT EXIST AT THE TIME THE INDIVIDUAL CHANGES FROM INACTIVE STATUS TO  
23 ACTIVE STATUS; AND

24 2. MEETS ANY CONTINUING EDUCATION  
25 REQUIREMENTS ESTABLISHED BY THE ~~BOARD~~ COMMITTEE.

26 (II) THE ~~BOARD~~ COMMITTEE MAY NOT REQUIRE PAYMENT  
27 OF A LATE FEE BY AN INDIVIDUAL AS A CONDITION TO LICENSING UNDER THIS  
28 PARAGRAPH.

29 (B) THE ~~BOARD~~ COMMITTEE SHALL REINSTATE THE LICENSE OF A  
30 BEHAVIOR ANALYST WHO HAS NOT BEEN PUT ON INACTIVE STATUS AND WHO  
31 HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE BEHAVIOR  
32 ANALYST:

1 (1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 17-6A-16~~  
2 § 17-6A-15 OF THIS SUBTITLE;

3 (2) PAYS TO THE ~~BOARD~~ BOARD COMMITTEE A REINSTATEMENT FEE SET  
4 BY THE BOARD; AND

5 (3) APPLIES TO THE ~~BOARD~~ BOARD COMMITTEE FOR REINSTATEMENT  
6 OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

7 (C) (1) THE ~~BOARD~~ BOARD COMMITTEE MAY NOT REINSTATE THE LICENSE  
8 OF A BEHAVIOR ANALYST WHO FAILS TO APPLY FOR REINSTATEMENT OF THE  
9 LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

10 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF  
11 THIS SUBSECTION, A BEHAVIOR ANALYST MAY BECOME LICENSED BY MEETING  
12 THE CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS  
13 SUBTITLE.

14 ~~17-6A-18.~~ 17-6A-17.

15 (A) A LICENSEE SHALL NOTIFY THE ~~BOARD~~ BOARD COMMITTEE IN WRITING OF  
16 A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

17 (B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS  
18 SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

19 ~~17-6A-19.~~ 17-6A-18.

20 UNLESS THE ~~BOARD~~ BOARD COMMITTEE ACCEPTS THE SURRENDER OF A  
21 LICENSE, THE LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE  
22 LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING  
23 AGAINST THE LICENSEE.

24 ~~17-6A-20.~~ 17-6A-19.

25 SUBJECT TO THE HEARING PROVISIONS OF ~~§ 17-6A-23~~ § 17-6A-21 OF  
26 THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS  
27 MEMBERS THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT,  
28 REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND  
29 OR REVOKE A LICENSE OF ANY LICENSEE IF THE APPLICANT OR LICENSEE:

30 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
31 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

1           (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

2           (3) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE  
3 TO A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT  
4 ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR  
5 PLEA SET ASIDE;

6           ~~(4) IS OR HAS BEEN ADDICTED TO ANY NARCOTIC OR HABITUALLY~~  
7 ~~INTOXICATED;~~

8           ~~(5)~~ (4) AIDS OR ABETS AN UNAUTHORIZED PERSON IN  
9 PRACTICING BEHAVIOR ANALYSIS OR REPRESENTING ONESELF TO BE A  
10 BEHAVIOR ANALYST;

11           ~~(6)~~ (5) PRACTICES BEHAVIOR ANALYSIS FRAUDULENTLY OR  
12 DECEITFULLY;

13           ~~(7)~~ (6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE  
14 ~~BOARD~~ COMMITTEE UNDER § 17-6A-03 OF THIS SUBTITLE;

15           ~~(8)~~ (7) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS  
16 REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR  
17 RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR  
18 RECORD THE REPORT;

19           ~~(9)~~ (8) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

20           ~~(10)~~ (9) WILLFULLY MAKES OR FILES A FALSE REPORT OR  
21 RECORD IN THE PRACTICE OF BEHAVIOR ANALYSIS;

22           ~~(11)~~ (10) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY  
23 AUTHORITY OF ANY STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A  
24 COURT OF ANY STATE OR COUNTRY OR DISCIPLINED BY ANY BRANCH OF THE  
25 UNITED STATES UNIFORMED SERVICES OR THE UNITED STATES VETERANS  
26 ADMINISTRATION FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY  
27 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

28           ~~(12)~~ (11) VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY  
29 REGULATION ADOPTED BY THE ~~BOARD~~ COMMITTEE;

30           ~~(13)~~ (12) USES OR PROMOTES OR CAUSES THE USE OF ANY  
31 MISLEADING, DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER,  
32 PROMOTIONAL LITERATURE, OR TESTIMONIAL;

1           ~~(14)~~ (13) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY  
2 INCOMPETENT;

3           ~~(15)~~ (14) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR  
4 GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

5           ~~(16)~~ (15) BEHAVES IMMORALLY IN THE PRACTICE OF BEHAVIOR  
6 ANALYSIS;

7           ~~(17)~~ (16) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN  
8 THE PRACTICE OF BEHAVIOR ANALYSIS;

9           ~~(18)~~ (17) REFUSES, WITHHOLDS FROM, DENIES, OR  
10 DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF  
11 PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND  
12 QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

13           ~~(19)~~ (18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION  
14 CONDUCTED BY THE BOARD;

15           ~~(20)~~ (19) COMMITS AN ACT THAT IS INCONSISTENT WITH  
16 GENERALLY ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF  
17 BEHAVIOR ANALYSIS; ~~OR~~

18           ~~(21)~~ (20) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS  
19 CHECK IN ACCORDANCE WITH § 17-501.1 OF THIS TITLE;

20           (21) HABITUALLY IS INTOXICATED;

21           (22) PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE  
22 INFLUENCE OF ALCOHOL OR WHILE USING ANY NARCOTIC OR CONTROLLED  
23 DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW  
24 ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR  
25 WITHOUT VALID MEDICAL INDICATION; OR

26           (23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN  
27 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.

28 ~~17-6A-21, 17-6A-20.~~

29           (A) IF, AFTER A HEARING UNDER ~~§ 17-6A-23~~ § 17-6A-21 OF THIS  
30 SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS UNDER ~~§ 17-6A-20~~ §  
31 17-6A-19 OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OR TO

1 REPRIMAND A LICENSEE, THE BOARD MAY IMPOSE A MONETARY PENALTY NOT  
2 EXCEEDING \$10,000:

3 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

4 (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

5 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR  
6 THE IMPOSITION OF MONETARY PENALTIES UNDER THIS SECTION.

7 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
8 SECTION INTO THE GENERAL FUND OF THE STATE.

9 ~~17-6A-22.~~

10 ~~(A) IF, IN INVESTIGATING AN ALLEGATION BROUGHT AGAINST A~~  
11 ~~LICENSEE UNDER THIS SUBTITLE, THE BOARD HAS REASON TO BELIEVE THAT~~  
12 ~~THE LICENSEE MAY CAUSE HARM TO PERSONS AFFECTED BY THE LICENSEE'S~~  
13 ~~PRACTICE OF BEHAVIOR ANALYSIS, THE BOARD, ON ITS OWN INITIATIVE, MAY~~  
14 ~~DIRECT THE LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A~~  
15 ~~PSYCHOLOGIST OR PHYSICIAN DESIGNATED BY THE BOARD.~~

16 ~~(B) IN RETURN FOR THE PRIVILEGE GIVEN TO A LICENSEE TO PRACTICE~~  
17 ~~BEHAVIOR ANALYSIS IN THE STATE, THE LICENSEE IS DEEMED TO HAVE:~~

18 ~~(1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS~~  
19 ~~SECTION IF REQUESTED BY THE BOARD IN WRITING; AND~~

20 ~~(2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR~~  
21 ~~EXAMINATION REPORTS OF THE EXAMINING PSYCHOLOGIST OR PHYSICIAN.~~

22 ~~(C) THE FAILURE OR REFUSAL OF THE LICENSEE TO SUBMIT TO AN~~  
23 ~~EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS PRIMA~~  
24 ~~FACIE EVIDENCE OF THE LICENSEE'S INABILITY TO PRACTICE BEHAVIOR~~  
25 ~~ANALYSIS COMPETENTLY UNLESS THE BOARD FINDS THAT THE FAILURE OR~~  
26 ~~REFUSAL WAS BEYOND THE CONTROL OF THE LICENSEE.~~

27 ~~(D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE~~  
28 ~~UNDER THIS SECTION.~~

29 ~~17-6A-23.~~ 17-6A-21.

30 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE  
31 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER ~~§ 17-6A-20~~



1 **§ 17-6A-19** OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM  
2 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE  
3 BOARD.

4 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN  
5 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

6 (C) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE  
7 SERVED PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
8 BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE  
9 LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST ~~10~~ 30 DAYS BEFORE THE  
10 HEARING.

11 (D) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY  
12 COUNSEL.

13 (E) (1) OVER THE SIGNATURE OF AN OFFICER OR THE  
14 ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND  
15 ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS  
16 SUBTITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

17 (2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE  
18 INDIVIDUAL IF THE INDIVIDUAL:

19 (I) REQUESTS THAT THE BOARD DO SO; AND

20 (II) STATES UNDER OATH THAT THE TESTIMONY OR  
21 EVIDENCE SOUGHT IS NECESSARY TO THE INDIVIDUAL'S DEFENSE.

22 (3) IF, WITHOUT LAWFUL EXCUSE, AN INDIVIDUAL DISOBEYS A  
23 SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,  
24 TESTIFY, OR ANSWER A QUESTION, ON PETITION OF THE BOARD, A COURT OF  
25 COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

26 (F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE  
27 ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE  
28 BOARD MAY HEAR AND DETERMINE THE MATTER.

29 (G) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED  
30 BY ANY PROCEDURAL DEFECTS ALLEGED TO HAVE OCCURRED BEFORE THE  
31 FILING OF CHARGES.

32 ~~17-6A-24.~~ 17-6A-22.

1 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §  
2 ~~17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL  
3 DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE  
4 ADMINISTRATIVE PROCEDURE ACT, MAY:

5 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

6 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE  
7 ADMINISTRATIVE PROCEDURE ACT.

8 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE  
9 BOARD UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE MAY NOT APPEAL TO  
10 THE SECRETARY OR THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL  
11 APPEAL.

12 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL  
13 REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

14 (C) A DECISION OF THE BOARD TO DENY A LICENSE, ENFORCE A  
15 SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, OR REVOKE A LICENSE MAY  
16 NOT BE STAYED PENDING JUDICIAL REVIEW.

17 ~~17-6A-25.~~ 17-6A-23.

18 FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE  
19 AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE  
20 BOARD MAY:

21 (1) REINSTATE A LICENSE THAT HAS BEEN REVOKED;

22 (2) REDUCE THE PERIOD OF A SUSPENSION; OR

23 (3) WITHDRAW A REPRIMAND.

24 ~~17-6A-26.~~ 17-6A-24.

25 THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR A VIOLATION OF  
26 THIS SUBTITLE.

27 ~~17-6A-27.~~ 17-6A-25.

28 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR  
29 THE BOARD TO ENJOIN:

1 (1) THE UNAUTHORIZED PRACTICE OF BEHAVIOR ANALYSIS; OR

2 (2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION  
3 UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE.

4 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

5 (1) THE BOARD, IN ITS OWN NAME;

6 (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

7 (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

8 (C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE  
9 COUNTY WHERE THE DEFENDANT:

10 (1) RESIDES; OR

11 (2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

12 (D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN  
13 ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN  
14 ACTION UNDER THIS SECTION.

15 (E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT  
16 INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF  
17 BEHAVIOR ANALYSIS UNDER ~~§ 17-6A-29~~ § 17-6A-27 OF THIS SUBTITLE OR  
18 DISCIPLINARY ACTION UNDER ~~§ 17-6A-20~~ § 17-6A-19 OF THIS SUBTITLE.

19 ~~17-6A-28.~~ 17-6A-26.

20 (A) IN THIS SECTION, "BEHAVIOR ANALYST REHABILITATION  
21 ~~COMMITTEE~~ SUBCOMMITTEE" MEANS A ~~COMMITTEE~~ SUBCOMMITTEE THAT:

22 (1) IS DEFINED IN SUBSECTION (B) OF THIS SECTION; AND

23 (2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION  
24 (D) OF THIS SECTION.

25 (B) FOR PURPOSES OF THIS SECTION, A BEHAVIOR ANALYST  
26 REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE IS A ~~COMMITTEE~~  
27 SUBCOMMITTEE OF THE ~~BOARD~~ COMMITTEE THAT:

28 (1) IS RECOGNIZED BY THE BOARD; AND

1           (2) INCLUDES BUT IS NOT LIMITED TO BEHAVIOR ANALYSTS.

2           (C) A REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE OF THE ~~BOARD~~  
3 COMMITTEE OR RECOGNIZED BY THE ~~BOARD~~ COMMITTEE MAY FUNCTION:

4           (1) SOLELY FOR THE ~~BOARD~~ COMMITTEE; OR

5           (2) JOINTLY WITH A REHABILITATION COMMITTEE  
6 REPRESENTING ANOTHER BOARD OR BOARDS.

7           (D) FOR PURPOSES OF THIS SECTION, A BEHAVIOR ANALYST  
8 REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE EVALUATES AND PROVIDES  
9 ASSISTANCE TO ANY BEHAVIOR ANALYST IN NEED OF TREATMENT AND  
10 REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL DEPENDENCY, OR  
11 OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION.

12           (E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
13 PROCEEDINGS, RECORDS, AND FILES OF THE BEHAVIOR ANALYST  
14 REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE ARE NOT DISCOVERABLE AND  
15 ARE NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF THE  
16 MATTERS THAT ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE  
17 BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE.

18           (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO  
19 ANY RECORD OR DOCUMENT THAT IS CONSIDERED BY THE BEHAVIOR ANALYST  
20 REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE AND THAT OTHERWISE WOULD  
21 BE SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL  
22 ACTION.

23           (3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES  
24 NOT INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A  
25 PROCEEDING BEFORE THE BOARD.

26           (F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF  
27 JURISDICTION OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~  
28 SUBCOMMITTEE IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE  
29 BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~ SUBCOMMITTEE OR FOR  
30 GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE  
31 FUNCTION OF THE BEHAVIOR ANALYST REHABILITATION ~~COMMITTEE~~  
32 SUBCOMMITTEE.

33 ~~17-6A-29.~~ 17-6A-27.

1 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON  
2 MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE BEHAVIOR  
3 ANALYSIS IN THIS STATE UNLESS LICENSED BY THE BOARD.

4 (B) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

5 ~~17-6A-30.~~ 17-6A-28.

6 UNLESS AUTHORIZED TO PRACTICE BEHAVIOR ANALYSIS UNDER THIS  
7 SUBTITLE, A PERSON MAY NOT:

8 (1) REPRESENT TO THE PUBLIC THAT THE PERSON IS A LICENSED  
9 BEHAVIOR ANALYST; OR

10 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER  
11 REPRESENTATION THAT THE PERSON IS A LICENSED BEHAVIOR ANALYST.

12 ~~17-6A-31.~~ 17-6A-29.

13 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS  
14 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
15 EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

16 (B) (1) A PERSON WHO VIOLATES ~~§ 17-6A-29~~ § 17-6A-27 OF THIS  
17 SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE  
18 ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY  
19 THE BOARD.

20 (2) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER  
21 THIS SUBSECTION INTO THE STATE BOARD OF PROFESSIONAL COUNSELORS  
22 AND THERAPISTS FUND.

23 ~~17-6A-32.~~ 17-6A-30.

24 THIS SUBTITLE MAY BE CITED AS THE MARYLAND BEHAVIOR ANALYSTS  
25 ACT.

26 ~~17-6A-33.~~ 17-6A-31.

27 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF  
28 THE PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL RULES AND  
29 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF  
30 NO EFFECT AFTER JULY 1, 2024.

1 **Article – State Government**

2 8–403.

3 (a) On or before December 15 of the evaluation year specified, the  
4 Department shall:5 (1) conduct a preliminary evaluation of each governmental activity or  
6 unit to be evaluated under this section; and

7 (2) prepare a report on each preliminary evaluation conducted.

8 (b) Each of the following governmental activities or units and the statutes  
9 and regulations that relate to the governmental activities or units are subject to  
10 preliminary evaluation in the evaluation year specified:11 **(8) BEHAVIOR ANALYST ADVISORY COMMITTEE (§ 17–6A–05 OF**  
12 **THE HEALTH OCCUPATIONS ARTICLE: 2021);**13 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
14 members of the Behavior Analyst Advisory Committee shall expire as follows:

15 (1) two behavior analyst members in 2015;

16 (2) one behavior analyst member and the consumer member in 2016;  
17 and

18 (3) one behavior analyst member in 2017.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 2014.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.