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*Secretary of State*

**Title 1: Secretary of State**

**Part 17: MS AUTISM BOARD - LICENSURE OF BEHAVIOR ANALYSTS AND ASSISTANT BEHAVIOR ANALYSTS**

**Part 17 Chapter 1: General**

*Rule 1.1 Purpose.* The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer behavior analysis services to the public. Further, in order to ensure the highest degree of professional conduct by those engaged in offering behavior analysis services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

*SOURCE: Miss. Code Ann. § 73-75-1*

*Rule 1.2 Legal Authority.*

- A. The Mississippi Autism Board shall be empowered under Miss. Code Ann. § 73-75-1, et seq., to license qualified applicants in the practice of behavior analysis.
- B. The Mississippi Autism Board shall promulgate such rules as are necessary to provide for the licensing of behavior analysts and assistant behavior analysts.
- C. The principal offices of the Mississippi Autism Board are located in the Office of the Mississippi Secretary of State, 401 Mississippi Street, Jackson, Mississippi 39203.

*SOURCE: Miss. Code Ann. § 73-75-9*

*Rule 1.3 Definitions.*

- A. **Board** means the Mississippi Autism Board.
- B. **BACB** means the Behavior Analyst Certification Board® Inc.
- C. **Behavior Analyst** means an individual who meets the minimum requirements of a Board Certified Behavior Analyst® (BCBA® or BCBA-D™), set by the BACB,

and is licensed or qualifies for licensure by the Board, as further described in Rule 3.2 below.

- D. **Assistant Behavior Analyst** means an individual who meets the minimum requirements of a Board Certified Assistant Behavior Analyst (BCaBA®), set by the BACB, and is licensed or qualifies for licensure by the board, as further described in Rule 3.3 below.
- E. **Behavior Technician** means an individual who is currently certified by the Behavior Analyst Certification Board as a Registered Behavior Technician™ (RBT™) to provide applied behavior analysis treatments under the supervision and direction of a licensed behavior analyst or licensed assistant behavior analyst.
- F. **Agency** is the Office of the Mississippi Secretary of State.

*SOURCE: Miss. Code Ann. § 73-75-3*

*Rule 1.4 Publication.* The Board shall publish, annually, a list of the names and addresses of all persons licensed by the Board as behavior analysts and assistant behavior analysts and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded.

*SOURCE: Miss. Code Ann. § 73-75-19*

## **Part 17 Chapter 2: Mississippi Autism Board (“Board”)**

*Rule 2.1 Board Structure and Purpose.* The Board shall consist of five (5) members as set forth in Miss. Code Ann. § 73-75-7, for the terms indicated therein. The Board administers and interprets the laws related to licensure and practice of applied behavior analysis.

*SOURCE: Miss. Code Ann. § 73-75-7*

*Rule 2.2 Meetings.* The Board shall meet at least twice each year, with the first meeting being the third Friday in January, and the second being the third Friday in July. Additional meetings may be held, at the discretion of the chairperson of the Board or any two Board members. A quorum shall consist of three (3) members of the Board, and shall be necessary for the Board to take action by vote.

*SOURCE: Miss. Code Ann. § 73-75-9*

*Rule 2.3 Responsibilities:* The Board shall:

- A. establish examination, licensing, and renewal of license criteria for applicants and investigate and evaluate each applicant applying for licensure to practice applied behavior analysis
- B. maintain an up-to-date list of all individuals licensed to practice applied behavior analysis, with such list being available, upon request, to the public;
- C. conduct disciplinary hearings, upon specified charges, of a licensee;
- D. refer disciplinary actions of any individual engaged in the practice of applied behavior analysis to the appropriate government agency for prosecution, whether

licensed or otherwise, or, if the individual is licensed by another state licensing authority, refer same to the appropriate committee or Board. Actions may also be referred to the BACB at the discretion of the Board.

- E. maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied and make such list available to public inspection and supply such list to similar regulatory boards in other states or jurisdictions;
- F. keep a record of all proceedings of the Board, and make said record available to the public; and
- G. promulgate and implement rules and procedures to carry out the purpose of *Miss. Code Ann. § 73-75-9*.

*SOURCE: Miss. Code Ann. § 73-75-9*

### **Part 17 Chapter 3: Licensure**

#### *Rule 3.1 General Requirements.*

- A. An application for a license as a behavior analyst or assistant behavior analyst shall be submitted to the Board at its principal office at 401 Mississippi Street, Jackson, Mississippi 39203, on an application form provided by the Board.
- B. Every application shall be typed or written in ink, signed under the penalty of perjury, and accompanied by the appropriate fee and by such evidence, statements, or documents as therein required.
- C. Approved applications and all documents filed in support thereof shall be retained by the Board.
- D. Licenses issues under these regulations shall expire and become invalid at midnight of the expiration date.

*SOURCE: Miss. Code Ann. § 73-75-13*

#### *Rule 3.2 Qualifications for Licensure as a Behavior Analyst.*

- A. **Education**
  - 1) Education qualifications deemed equivalent to those specified in *Miss. Code Ann. § 73-75-13* shall be at least a master's degree, e.g., M.S., M.A., or M.Ed.
  - 2) Institutions recognized by the Board within the meaning of *Miss. Code Ann. § 73-75-13* shall be those institutions with academic programs approved by the BACB.
- B. **The National Examination and certification in Applied Behavior Analysis:** The applicant must have passed the Board Certified Behavior Analyst® Examination and provide evidence of certification as a Board Certified Behavior Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral (BCBA-D) by the BACB.
- C. Applicants for licensure as a behavior analyst must complete an oral examination by the Board.

*SOURCE: Miss. Code Ann. § 73-75-13*

*Rule 3.3 Qualifications for Licensure as an Assistant Behavior Analyst.*

- A. **Education**
  - 1) Education qualifications deemed equivalent to those specified in Miss. Code Ann. § 73-75-13 shall be at least a Bachelor's degree, e.g., B.A. or B.S.
  - 2) Institutions recognized by the Board within the meaning Miss. Code Ann. § 73-75-13 shall be those institutions with academic programs approved by the BACB.
- B. **The National Examination and certification in Applied Behavior Analysis:** The applicant must have passed the Board Certified Assistant Behavior Analyst Examination and provide evidence of certification as a Board Certified Assistant Behavior Analyst (BCaBA) by the BACB.
- C. **Proof of Ongoing Supervision:** The applicant must submit records to the Board of ongoing supervision by a licensed behavior analyst.

*SOURCE: Miss. Code Ann. § 73-75-13*

*Rule 3.4 Licensure by Reciprocity.* An applicant for licensure by reciprocity shall submit to the Board, verified by oath, written evidence in form and content satisfactory to the Board that the applicant has met all requirements set forth in Rule 3.1 and 3.2 or 3.3 of these regulations.

*SOURCE: Miss. Code Ann. § 73-75-15*

*Rule 3.5 Temporary License.*

- A. A temporary license to practice a may be granted to:
  - 1) An applicant for licensure meeting the requirements of Rule 3.1 and 3.2 or 3.3 who has taken the approved National Examination and is awaiting release of the applicant's score; and
  - 2) An applicant for licensure as a behavior analyst who is awaiting the next oral examination by the Board.
- B. A temporary license must be issued prior to the beginning of the supervised professional employment.
- C. Any applicant granted a temporary license under this Rule shall apply for full licensure upon receipt of National Examination scores, or such license shall be converted to full licensure upon satisfactory completion of the oral examination.

*SOURCE: Miss. Code Ann. § 73-75-17*

*Rule 3.6 Conditions of Temporary Licensure.*

- A. A temporary license shall be issued for a six (6) month period beginning on the

date of issuance. All regular license requirements must be completed and submitted to the Board during the temporary licensure period. Supervision by a Licensed Behavior Analyst must be maintained until the temporary license is upgraded to a regular license by the Board.

- B. A temporary licensee shall restrict his practice setting to the State of Mississippi.
  - 1) A temporary licensee shall practice under the supervision of a current licensee holding a corresponding, regular license issued by the Board.
  - 2) A temporary licensee may not supervise any other licensee or behavior technician.
- C. A temporary license will not be issued to any individual who has had a temporary license revoked pursuant to the provisions of these regulations.
- D. Any person who has taken but not passed the required examination in another jurisdiction shall not be eligible for a license of any type until an approved examination is passed.
- E. Any person who has failed either the Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst Examination three (3) times shall be ineligible for a temporary license.
- F. Any individual who has been granted a temporary license and subsequently receives a failing score on the National Examination will immediately notify the Board and the temporary license shall be deemed revoked.
- G. Any individual who has failed to pass the oral jurisprudence exam will not be granted a temporary licensure.

*SOURCE: Miss. Code Ann. § 73-75-17*

*Rule 3.7 Abandonment.* An application shall be deemed abandoned by the Board if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Board.

*SOURCE: Miss. Code Ann. §73-75-9.*

#### **Part 17 Chapter 4: Professional Identification**

*Rule 4.1 Production and Display of License.* A person licensed to practice Applied Behavior Analysis in Mississippi shall be issued a "Certificate of Licensure." The licensee shall prominently display the "Certificate of Licensure" or copy thereof at their place(s) of employment.

*SOURCE: Miss. Code Ann. § 73-75-1*

#### **Part 17 Chapter 5: Renewal of License**

*Rule 5.1 General Provisions.*

- A. The Board shall issue regular licenses, which shall be renewed prior to the expiration date of the license.
- B. The licensure period shall not exceed three (3) years and will terminate at midnight on the date of expiration unless renewed.

*SOURCE: Miss. Code Ann. § 73-75-21*

*Rule 5.2 Procedure for Renewal of License.* The Board shall make renewal applications available electronically and provide copies to licensed individuals by mail if requested by the licensee.

- A. The licensee shall:
  - 1) Complete the renewal form;
  - 2) Submit proof of continuing education credit as detailed in Chapter 6 of these regulations;
  - 3) Enclose the renewal fee; and
  - 4) File the above with the Board prior to the licensure expiration date.
- B. Renewal applications filed or postmarked after the licensure expiration date are subject to a late renewal penalty of \$50.00.

*SOURCE: Miss. Code Ann. § 73-75-21*

*Rule 5.3 Failure to Renew.* A licensee who does not comply with renewal requirements prior to licensure expiration will be deemed to have allowed his license to lapse. Said license may be reinstated by the Board, in its discretion, by the payment of the "renewal," "late renewal penalty", and the required verification of continuing education hours provided said application for reinstatement is made within two (2) years after its last expiration date. A license may not be reinstated after having lapsed for two (2) consecutive years. A new application must be made and the licensure regulations in effect at the time of application must be met.

*SOURCE: Miss. Code Ann. § 73-75-21*

## **Part 17 Chapter 6: Continuing Education**

*Rule 6.1 Definition and philosophy.* Each individual licensed as a behavior analyst or assistant behavior analyst is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge.

- A. Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the performance and practice of applied behavior analysis. Relevancy of continuing education hours will be determined by the Board.
- B. Pursuant to Miss. Code Ann. § 73-75-21, continuing education is mandatory.

*SOURCE: Miss. Code Ann. § 73-75-21*

*Rule 6.2 Requirements:*

- A. Each licensee must report a minimum of twelve (12) hours of continuing education each year, including one (1) hour of ethical or legal continuing education. Continuing education hours earned in excess of twelve (12) hours will carryover and apply to subsequent year(s) record.
- B. Continuing education reports are due to the Board no later than June 30.
- C. No more than fifty percent (50%) (number of hours/percentage of total) of the total hours reported may result from online or home study courses. Licensee may petition the Board for consideration of approval for synchronous (i.e. live or interactive) online training beyond that of the 50% limit.
- D. Less than one (1) year licensed: If the licensee has been licensed for less than six (6) months by the June 30 deadline, no continuing education hours must be reported to the Board for that period. If the individual has been licensed for six (6) to nine (9) months, a minimum of six (6) continuing education hours shall be reported. If licensed for ten (10) or more months, twelve (12) continuing education hours shall be reported.

*SOURCE: Miss. Code Ann. § 73-75-21*

*Rule 6.3 Content Criteria:* The content must apply to the field of applied behavior analysis and must be designed to meet one of the following goals:

- A. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.
- B. Allow the licensee to enhance his knowledge and skills.
- C. Provide opportunities for interdisciplinary learning.
- D. Extend limits of professional capabilities and opportunities.
- E. Facilitate personal contributions to the advancement of the profession.

*SOURCE: Miss. Code Ann. § 73-75-21*

*Rule 6.4 Sources of Continuing Education.*

- A. Only courses/providers of CE courses approved by the BACB will be accepted as continuing education for licensure renewal purposes. A course not approved by the BACB may be reviewed by the Board prior to attendance at the course. Contact the Board for information.
- B. Specific **UNACCEPTABLE** activities include:
  - 1) All in-service programs not approved in accordance with Rule 6.4(a) of

- these regulations.
- 2) Orientation to specific work-site programs dealing with organizational structures, processes, or procedures.
  - 3) Meetings for purposes of policy decision.
  - 4) Non-educational meetings at annual conferences, chapter, or organizational meetings.
  - 5) Entertainment or recreational meetings or activities.
  - 6) Committee meetings, holding of office, serving as an organizational delegate.
  - 7) Visiting exhibits.
  - 8) CPR education.
  - 9) Self-directed studies other than those previously outlined.

*SOURCE: Miss. Code Ann. § 73-75-21*

*Rule 6.5 Reporting Procedures for Continuing Education:* Continuing education credit must be awarded by the approved program provider on a form furnished by the program provider. Proof of program approval by an organization in accordance with Rule 6.4(a) must be submitted with the certificate if a recognized approval source is not evident on the CE certificate.

It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit: Attendance at seminars, workshops, presentations, etc., approved by the BACB as required by Rule 6.4(a): Certificate of attendance or completion must be submitted no later than June 30 of each year (must include source, number of continuing education hours and date of attendance).

*SOURCE: Miss. Code Ann. § 73-75-21*

## **Part 17 Chapter 7: Revocation, Suspension and Denial of License**

*Rule 7.1 Standards of Conduct:* Licensees subject to these regulations shall conduct their activities, services, and practice in accordance with this section. Licensees may be subject to the exercise of the disciplinary sanctions enumerated in 8.6 of these regulations if the Board finds that a licensee is guilty of any of the following:

- A. Negligence in the practice or performance of professional services or activities.
- B. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities.
- C. Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same.
- D. Being convicted of any crime which has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud, or dishonesty.

- E. Being convicted of any crime, which is a felony under the laws of this state or the United States.
- F. Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage to the public is established.
- G. Continued practice although the licensee has become unfit to practice as a behavior analyst or assistant behavior analyst due to:
  - 1) failure to keep abreast of current professional theory or practice; or
  - 2) physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or
  - 3) addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice.
- H. Having disciplinary action taken against the licensee's license in another state.
- I. Making differential, detrimental treatment against any person because of race, color, creed, sex, religion, sexual orientation, or national origin.
- J. Engaging in lewd conduct in connection with professional services or activities.
- K. Engaging in false or misleading advertising.
- L. Contracting, assisting, or permitting unlicensed persons to perform services for which a license is required under these regulations.
- M. Violation of any probation requirements placed on a license by the Board.
- N. Revealing confidential information except as may be required by law.
- O. Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee.
- P. Charging excessive or unreasonable fees or engaging in unreasonable collection practices.
- Q. For treating or attempting to treat ailments or other health conditions of human beings other than by applied behavior analysis therapy as authorized by these regulations.
- R. Violations of the current codes for behavior analyst or assistant behavior analyst adopted by the Behavior Analyst Certification Board.
- S. Violations of any rules or regulations promulgated pursuant to these regulations.
- T. Has engaged in any conduct considered by the Board to be detrimental to the profession of applied behavior analysis.
- U. The Board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Rule 8.3 of these regulations.
- V. Any individual who has failed to pass the oral jurisprudence examination upon the third (3<sup>rd</sup>) attempt must register as a Registered Behavior Technician (RBT™) and engage in remedial supervision. The Board will not accept an application for

licensure from such individual until the passage of one (1) year from the last examination date.

*SOURCE: Miss. Code Ann. § 73-75-19*

*Rule 7.2 Rules For Professional Conduct.* All licensees must comply with the requirements of the Professional and Ethical Compliance Code for Behavior Analysts published by the BACB.

*SOURCE: Miss. Code Ann. § 73-75-19*

*Rule 7.3 Summary Suspension.*

- A. The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:
  - 1) the health, safety, or welfare of the public is in immediate danger; or
  - 2) the licensee's physical capacity to practice his/her profession is in issue; or
  - 3) the licensee's mental capacity to practice his/her profession is in issue.
- B. If the Board summarily suspends a license, a hearing must begin not earlier than thirty (30) days after such suspension begins, and must be commenced within sixty days of such suspension unless continued at the request of the licensee.

*SOURCE: Miss. Code Ann. § 73-75-19*

*Rule 7.4 Complaints.* All complaints concerning a licensee, the licensee's business, or professional practice, shall be reviewed by the Board. Each complaint received shall be logged, recording at a minimum the following information:

- A. licensee's name;
- B. behavior technician and supervisor's names, if applicable;
- C. name of the complaining party, if known;
- D. date of complaint;
- E. brief statement of complaint; and
- F. disposition.

*SOURCE: Miss. Code Ann. § 73-75-9*

*Rule 7.5 Investigation.* All complaints will be investigated and evaluated by the Board.

*SOURCE: Miss. Code Ann. § 73-75-9*

*Rule 7.6 Notice of Charges and Hearing.*

- A. Following the investigative process, the Board may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.
- B. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Board. The notice of the formal hearing shall consist at a minimum of the following information:
  - 1) the time, place and date of hearing;
  - 2) that the licensee shall appear personally at the hearing and may be represented by counsel;
  - 3) that the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;
  - 4) that the hearing could result in disciplinary action being taken against the licensee's license;
  - 5) that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and
  - 6) that the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.
- C. The Board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Rule 7.3 of these regulations.
- D. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.
- E. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.
- F. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

*SOURCE: Miss. Code Ann. § 73-75-19*

*Rule 7.7 Sanctions.* The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee or applicant for license is guilty of any violations of the practice act or any lawful order, rule or regulation rendered or adopted by the Board:

- A. Revoke the license.
- B. Suspend the license, for a period not to exceed one (1) year.
- C. Censure the licensee.
- D. The Board shall have the right to recover applicable costs of investigation, prosecution, and adjudication of the disciplinary action from the offending licensee or applicant.
- E. Place a licensee on probationary status and require the licensee to submit to any of the following:
  - 1) report regularly to the Board, or its designee, upon matters which are the basis of probation;
  - 2) continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
  - 3) such other reasonable requirements or restrictions as are proper.
- F. Refuse to renew a license.
- G. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.
- H. The Board may reinstate any licensee to good standing under this chapter if, after hearing, the board is satisfied that the applicant's renewed practice is in the public interest.

*SOURCE: Miss. Code Ann. § 73-75-19  
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*Rule 7.8 Criteria For Rehabilitation.* Upon the suspension or revocation of a license, the Board, in evaluating the rehabilitation of such person and his eligibility for licensure, will consider the following:

- A. The nature and severity of the act(s) which resulted in the suspension or revocation of his license.
- B. The extent of time elapsed since the commission of the act(s) which resulted in the suspension or revocation.
- C. Whether he has committed any act(s) which if done by a licensee would be grounds for suspension or revocation of a license since the date of suspension or revocation.
- D. Whether he has done any act(s) involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or another, or substantially injure another since the date of the suspension or revocation.
- E. Whether he has complied with any or all conditions or probation or restitution, or any other civil or criminal sanction imposed against him as a result of the act(s) including such administrative penalties and conditions or probation as have been imposed on him by the Board; and
- F. Such other evidence of rehabilitation as the person may submit.

*SOURCE: Miss. Code Ann. § 73-75-19*

*Rule 7.9 Appeals.* Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

*SOURCE: Miss. Code Ann. § 73-75-19*

## **Part 17 Chapter 8: Exceptions and Exemptions**

*Rule 8.1 Exemptions.* Nothing in these rules shall be construed or interpreted in such a manner as to limit a qualified assistant or paraprofessional in performing duties related to applied behavior analysis as assigned by a professional exempt by statute from the rules and regulations herein; except that, no supervised assistant or paraprofessional shall perform duties under such supervision that the exempt professional is not otherwise qualified to perform.

*SOURCE: Miss. Code Ann. § 73-75-5*

*Rule 8.2 Good Samaritan Act.* [LEFT BLANK ON PURPOSE]

*SOURCE: Miss. Code Ann. § 73-75-1*

## **Part 17 Chapter 9: Regulations Governing Supervision and Registration of Behavior Technicians**

*Rule 9.1 Purpose.* The purpose of these regulations is to provide the method of supervision of behavior technicians by licensed behavior analysts or licensed assistant behavior analysts; to provide for the denial, suspension and revocation of such registration; to provide for the denial, suspension and revocation of licenses of behavior analysts and assistant behavior analysts employing or supervising behavior technicians; and for related purposes.

*SOURCE: Miss. Code Ann. § 73-75-23*

*Rule 9.2 Powers and Duties of the Board.*

- A. To deny, suspend or revoke licensure of behavior analysts and assistant behavior analysts or otherwise discipline licensed behavior analysts and assistant behavior analysts who employ or supervise behavior technicians, and who engage in unethical or questionable practices, or who fail to provide appropriate supervision of behavior technicians or who have encouraged or participated in any intentional act or omission that caused or assisted their behavior technicians to violate these regulations and/or any law.
- B. To investigate alleged or suspected violations of the provisions of these regulations or other laws of this state pertaining to behavior technicians.
- C. To maintain a register listing the name of every behavior technician registered in this state, his/her last known place of business and last known place of residence, and the date and number of his/her registration. Such a list shall be made publicly

- available by the Board.
- D. To be responsible for all disputed matters involving whether an applicant shall be registered.

*SOURCE: Miss. Code Ann. § 73-75-9 and Miss. Code Ann. § 73-75-19*

*Rule 9.3 Registration.*

- A. **Application for Registration:** An application for registration for a behavior technician shall be submitted by the supervising licensee to the Board at its principal office, 401 Mississippi Street, Jackson, Mississippi 39203, on an application form provided by the Board. Every application shall be typed or written in ink, the signatures notarized and accompanied by the appropriate fee and by such evidence, statements, or documents as herein required.
- B. **Abandonment of Application:** If the application process for registration is not completed within six (6) months, the application shall be considered abandoned, and a new application must be submitted before registration may be granted.
- C. **Education Requirements:** The educational requirements for registration as a behavior technician shall be a minimum of a high school diploma or the equivalent.
- D. **General Requirements:** The licensed behavior analyst or assistant behavior analyst who registers behavior technicians must determine that the applicant:
- 1) Is at least 18 years of age;
  - 2) Is of good moral character;
  - 3) Has met the minimum educational requirements;
  - 4) Has adequate communication skills and the ability to relate to the clinical population;
  - 5) Has current qualifications as a Registered Behavior Technician™ from the BACB®;
  - 6) Works under the supervision of a licensed behavior analyst or assistant behavior analyst; and
  - 7) Shall be registered by the Board. No examination shall be required for registration.
- E. **Supervision Requirements:** A licensed behavior analyst or assistant behavior analyst must comply with the supervision policy of the BACB. The Board may audit supervision record(s) of a licensee at its discretion. The licensee shall provide the applicable record(s) to the Board upon request and without undue delay.

*SOURCE: Miss. Code Ann. § 73-75-23*

*Rule 9.4 Termination of Supervision.* Notice of Termination: Within seven (7) days after the termination of the supervision of a behavior technician, the supervising licensee shall notify the

Board, in writing, of such termination and the date of termination and return the certificate of registration to the Board. Failure of a supervising licensee to comply with the provisions of this section may result in disciplinary action pursuant to these regulations.

*SOURCE: Miss. Code Ann. § 73-75-23*

*Rule 9.5 Roles and Responsibilities of Licensees and Registrants.* Within the provision of applied behavior analysis service there are two recognized levels of personnel: the professional behavior analyst or assistant behavior analyst who is licensed to practice applied behavior analysis; and the behavior technician who is registered, but is usually an on-job-trained individual who provides support activities for the behavior analyst or assistant behavior analyst. The behavior analyst or assistant behavior analyst shall assume primary responsibility for applied behavior analysis care rendered by the licensee and his/her behavior technician.

*SOURCE: Miss. Code Ann. § 73-75-23*

*Rule 9.6 Duties of the Behavior Technician.*

Behavior technicians will comply with all restrictions on practice and requirements established by the BACB.

*SOURCE: Miss. Code Ann. § 73-75-23*

*Rule 9.7 Standards of Conduct for Behavior Technician; Duties of Supervisory Behavior Analyst or Assistant Behavior Analyst.*

- A. **Standards of Conduct:** Behavior analysts or assistant behavior analysts may, at the discretion of the Board, have their licensure suspended, revoked, or denied, or have their supervision authority limited, if the Board determines that a behavior technician under supervision of a behavior analyst or assistant behavior analyst:
- 1) Was convicted of a felony or an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of that court, shall be sufficient evidence to warrant revocation or suspension.
  - 2) Is guilty of securing, or attempting to secure a registration or certificate through fraud or deceit.
  - 3) Is guilty of unethical conduct, or gross ignorance, or inefficiency in the conduct of his practice.
  - 4) Is guilty of knowingly practicing while suffering with a contagious or infectious disease.
  - 5) Has used a false name or alias in the practice of his profession.
  - 6) Is unfit or incompetent by reason of negligence, habits, or other causes of incompetence.

- 7) Is habitually intemperate in the use of alcoholic beverages.
- 8) Is addicted to, or has improperly obtained, possessed, used or distributed, habit-forming drugs or narcotics.
- 9) Has practiced as a behavior technician after his registration or supervision has been terminated or suspended.
- 10) Has practiced as a behavior technician under cover of any permit or registration illegally or fraudulently obtained or issued.
- 11) Has violated or aided or abetted others in violation of any provision of the Act or regulations promulgated thereto.
- 12) Has engaged in any conduct considered by the Board to be detrimental to the profession of applied behavior analysis.
- 13) Has violated the provisions of any applicable state or federal laws, or regulations.
- 14) Has been disciplined by another jurisdiction if at least one (1) of the grounds for the discipline is the same or substantially equivalent to those set forth in the Act or rules and regulations promulgated pursuant to the Act.
- 15) Has violated any rule or policy of the BACB applicable to behavior technicians.

B. **Duties of Supervisory Behavior Analyst or Assistant Behavior Analyst:** It shall be the responsibility of the supervising behavior analyst or assistant behavior analyst to ensure adherence to the above listed standards of conduct in Rule 9.7(a) by any behavior technicians providing treatment and/or services under their direction. A behavior analyst or assistant behavior analyst will terminate supervision of a behavior technician in violation of the standards of conduct and report the same to the Board.

C. **Summary Suspensions:** The Board may summarily suspend a licensee without a hearing, following the procedures set forth in Rule 7.3.

D. **Notice of Charges and Hearing:** Following the investigative process, the Board may file formal charges against the behavior technician and/or the supervising licensee. Such formal complaint shall follow the same procedures as provided in Rule 7.6

E. **Board Sanctions:** The Board may impose any of the following sanctions against the supervising behavior analyst or assistant behavior analyst of the behavior technician, singularly or in combination, when it finds that a behavior technician is guilty of any of the above offenses:

- 1) Revoke the license;
- 2) Suspend the registration, for any period of time;
- 3) Censure the licensee;
- 4) Place the licensee and/or offending technician on probationary status and require the licensee or offending technician to submit to any of the following:
  - i. report regularly to the Board, or its designee, upon matters which are the basis of probation; or
  - ii. such other reasonable requirements or restrictions as are proper;

- 5) Refuse a license or registration; or
  - 6) Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.
  - 7) The Board may reinstate any behavior analyst, assistant behavior analyst, or behavior technician to good standing under these regulations if, after hearing, the Board is satisfied that the individual's renewed practice is in the public interest.
  - 8) The Board may limit a licensed behavior analyst or assistant behavior analyst's authority to supervise behavior technicians.
- f. **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

*SOURCE: Miss. Code Ann. § 73-75-23*

**Part 17 Chapter 10: Fees**

*Rule 10.1 Method of Payment.* In accordance with state law, the following non- refundable fees, where applicable, are payable to the Board by check or money order.

*SOURCE: Miss. Code Ann. § 73-75-21*

*Rule 10.2 Schedule of Fees.*

Application and Renewal for a Behavior Analyst .....	\$250.00
Application and Renewal for Assistant Behavior Analyst.....	\$100.00
Late Renewal Penalty	\$ 50.00
Temporary License	\$ 75.00
Duplicate License Certificate Fee	\$ 25.00
Criminal Background Investigation Fee	TBD
Application for Registration of Behavior Technicians	\$25.00

*SOURCE: Miss. Code Ann. § 73-75-21*

**Part 17 Chapter 11: Administrative Grievance Procedure**

*Rule 11.1 Administrative Appeals.* Any person aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of a second review by the Board or a designated member of the Board.

*SOURCE: Miss. Code Ann. § 73-75-19*

*Rule 11.2 Notification.* Written notice will be provided to all applicants regarding denial of

an original license or a renewal license. Such notice shall contain the reason thereof.

*SOURCE: Miss. Code Ann. § 73-75-19*

*Rule 11.3 Hearing.* If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the Board. The Board shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

*SOURCE: Miss. Code Ann. § 73-75-13*

### **Part 17 Chapter 12: Suspension for Failure to Pay Child Support**

*Rule 12.1 Suspension for Failure to Pay Child Support.* In addition, the Board is authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

*SOURCE: Miss. Code Ann. § 93-11-153*