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Governor
State of Missouri

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DIVISION OF PROFESSIONAL REGISTRATION

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MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS
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Pamela Groose
Executive Director

Meeting Notice

Sub-Committee of State Committee of Psychologists Review of Draft Rules Related to Licensure of Behavior Analysts & Assistant Behavior Analysts

August 10, 2010 -- 10:00am
Missouri Council of School Administrators
Education and Conference Center
3550 Amazonas Drive
Jefferson City, MO 65109

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Missouri State Committee of Psychologists, P O Box 1335, 3605 Missouri Boulevard, Jefferson City MO 65102 or by calling 573-751-0099 to ensure available accommodations. The text telephone for the Deaf or Hard of Hearing is 800-735-2966 or 800-735-2466 for Voice Relay Missouri.

Except to the extent disclosure is otherwise required by law, the Missouri Committee of Psychologists is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14) and sections 324.001.8 and 324.001.9 RSMo.

The Committee may convene in closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public, with the motion and vote recorded in open session minutes.

The agenda follows.

Tentative Agenda
SUB-COMMITTEE OF STATE COMMITTEE OF PSYCHOLOGISTS

AUGUST 10, 2010 10:00AM

Location: MO COUNCIL OF SCHOOL ADMINISTRATORS EDUCATION & CONFERENCE CENTER
3550 Amazonas Drive, Jefferson City, MO

REVIEW OF DRAFT RULES RELATED TO LICENSURE OF BEHAVIOR ANALYSTS & ASSISTANT BEHAVIOR ANALYSTS

OPEN MEETING

10:00am Call to Order	Pam Groose Executive Director
Introductions	Pam Groose
Overview of Rulemaking Process	Connie Clarkston Director of Budget & Legislation
Discussion Related to Proposed Plan of Action	Pam Groose
Review of Proposed Rules <ul style="list-style-type: none">• Chapter 1<ul style="list-style-type: none">20 CSR 2063-1.005 Behavior Analyst Advisory Board20 CSR 2063-1.010 Definitions20 CSR 2063-1.020 Notification of Change of Address20 CSR 2063-1.025 Replacement of Renewal License20 CSR 2234-1.030 Policy for Release of Public Records• Chapter 2<ul style="list-style-type: none">20 CSR 2063-2.005 Application for Licensure20 CSR 2063-2.010 Renewal of License• Chapter 3<ul style="list-style-type: none">Rules related to entities responsible for certifying behavior analysts• Chapter 4<ul style="list-style-type: none">20 CSR 2063-4.005 Education RequirementsSupervision RequirementsCE Requirements• Chapter 5<ul style="list-style-type: none">Code of Conduct (next meeting)	Pam Groose
Next Meeting Date/s	

SUB-COMMITTEE OF THE STATE COMMITTEE OF PSYCHOLOGISTS
MO COUNCIL OF SCHOOL ADMINISTRATORS
EDUCATION & CONFERENCE CENTER
3550 Amazonas Drive
Jefferson City, Missouri

August 10, 2010 – Open Minutes

The open session of the sub-committee to review draft #1 of the rules related to licensing of Behavior Analysts and Assistant Behavior Analysts was called to order by Pamela Groose, Executive Director, at 10:15AM on August 10, 2010 at the Missouri Council of School Administrators, Education & Conference Center, 3550 Amazonas Drive, Jefferson City, Missouri .

SCOP Members Present:

Sharon Lightfoot, PhD
Mark Skrade, PsyD

Staff Present:

Pamela Groose, Executive Director
Roxy Brockman, Administrative Assistant
Vicky Steen, Licensing Technician II
Sarah Ledgerwood, Division Legal Counsel
Connie Clarkston, Director of Budget & Legislation
Melissa Palmer, Legislative Coordinator, DIFT

Visitors:

Peter Peterson, PhD, BCBA, ABCnD Autism Center
Dennis Michael, ABCnD Autism Center
Nancy Michael, ABCnD Autism Center
Brooke Howard, ABCnD Autism Center
Christine M Rankin, PhD
John Guercio, PhD, BCBA-D, Missouri Association for Behavior Analysis
Tec Chapman, DMH - DDD
Julia LePage, DMH – DDD
Mike Stantimore, DMH, BCBA
Jenny Frisbee, Missouri Association for Behavior Analysis
Jorgen Schlemeier, Gamble & Schlemeier, Ltd

Ms. Groose welcomed the visitors and explained the purpose of the meeting. SCOP Members, staff and visitors all introduced themselves.

Discussion Related to the Proposed Plan of Action

Ms. Groose recognized Jorgen Schlemeier, who provided background information in regard to the authority of the State Committee of Psychologists to begin the rulemaking process until such time as board members are appointed and a quorum exists for the Behavior Analyst Advisory Board. He suggested that the group pick and choose which rules that will immediately effect the licensing of BA's and ABA's until the board has a quorum of members. Ms. Groose said she thought that all of the proposed rules could be reviewed and revised to end up with a final draft that can be with the Secretary of State's office. Ms. Groose also pointed out that once the Advisory Board has a quorum of members they can revise rules as they identify necessary changes.

Overview of Rulemaking Process

Ms. Clarkston provided an overview of the rulemaking process and board staff confirmed the rulemaking slow sheet will be made available to anyone interested on the Behavioral Analyst website.

Ms. Goose said she thought there would be one more meeting prior to the scheduled September 1-2, 2010 State Committee of Psychologists meeting that will be held at the Embassy Suites Hotel – St Louis Airport, St Louis, Missouri. Ms. Goose indicated she thought that meeting would start at 1:00 or 2:00pm on September 1, 2010.

The meeting adjourned at approximately 2:15pm.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

Division 2063—Behavior Analyst Advisory Board

Chapter 1—General Rules

PROPOSED RULE

20 CSR 2063-1.005 Behavior Analyst Advisory Board

AUTHORITY: sections 337.305 and 337.310, RSMo.

PURPOSE: Pursuant to section 337.310, RSMo, this rule outlines policies and procedures for the Behavior Analyst Advisory Board.

(1) The purpose of the board is to regulate the practice of behavior analysis concerning the health, safety, and welfare of the inhabitants of this state; to protect the property of the inhabitants of this state from damage or destruction through the dangerous, dishonest, incompetent, or unlawful practice of behavior analysis; and to implement and sustain a system for the examination and regulation of licensed behavior analysts and assistant behavior analysts in this state.

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(2) The board shall meet at least quarterly. Additional meetings may be held at the discretion of the board; however, the board shall inform the division of those meetings and the notice of the meeting will be posted in compliance with Chapter 610, RSMo.

(3) Each year, the board shall elect a chair and vice-chair. The chair presides at meetings and works with the executive director on coordinating the board's affairs. If the chair is unable to attend a meeting, the vice-chair shall preside at the meeting.

(4) The board shall act through its executive director who is appointed by the director of the Division of Professional Registration. The executive director shall be responsible for keeping the minutes of board proceedings and perform other duties as requested by the board.

(5) A quorum of the board shall consist of a majority of its members.

(6) Board meetings will generally consist of reviewing applications, interviewing applicants, reviewing complaints and inquiries, determining disciplinary actions regarding licensed behavior analysts or

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assistant behavior analysts, making recommendations to staff concerning the conduct and management of board affairs, and other board matters.

(7) Unless otherwise provided by statute or regulation, the board shall be generally guided by and conduct its meetings according to Robert's Rules of Order.

(8) Any person requiring information, an application, or complaint form involving the practice of behavior analysis as regulated by the board may contact the board.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 1—General Rules

PROPOSED RULE

20 CSR 2063-1.010 Definitions

AUTHORITY: section 337.310, RSMo

PURPOSE: This rule establishes various definitions and terms used in these rules.

- (A) Applicant – An individual applying for licensure as a behavior analyst or assistant behavior analyst.
- (B) Certifying Entity – Board of Certified Behavior Analyst (BCBA), approved by committee.
- (C) Committee – State Committee of Psychologists.
- (D) Division – Division of Professional Registration.
- (E) Department – Department of Insurance, Financial Institutions and Professional Registration.
- (F) Family care safety registry – The registry established by the Missouri Department of Health and Senior Services pursuant to section 210.903.

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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 1—General Rules

PROPOSED RULE

20 CSR 2063-1.015 Fees

AUTHORITY: section 337.310, 337.315, 337.320 and 337.340, RSMo

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 337, RSMo.

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(1) The following fees are established for the Behavior Analyst Board and are payable to the State

Committee of Psychologists:

- (A) Application for Behavior Analysts (section 337.315)
- (B) Application for Assistant Behavior Analyst (section 337.315)
- (C) Biennial Renewal Fee (section 337.320)
- (D) Delinquency Fee (in addition to the Renewal Fee) (section 337.320)
- (E) Duplicate License (section 337.320.5)
- (F) Inactive Renewal Fee License (section 337.320.7)
- (G) Insufficient Fee Check Service Charge \$25.00
- (H) Provisional Licensure (section 337.34)
- (I) Reactivation Fee (section 337.320.80)
- (J) Replacement of Wall-Hanging License Fee \$25.00

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this

rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 1—General Rules

PROPOSED RULE

20 CSR 2063-1.020 Policy for Handling Release of Public Records

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AUTHORITY: section 337.310 and 610.010–610.030, RSMo

PURPOSE: This rule sets forth the board's written policy in compliance with sections 610.010–610.030, RSMo regarding the release of information on any meeting, record or vote of the board.

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(1) The Behavior Analyst Advisory Board is a public governmental body as defined in Chapter 610, RSMo and adopts the following as its written policy for compliance with the provisions of that chapter. This policy is open to public inspection and implements the provisions of Chapter 610, RSMo regarding the release of information of any meeting, record or vote of the board which is not closed pursuant to the provisions of Chapter 610, RSMo.

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(2) All public records of the Behavior Analyst Advisory Board shall be open for inspection and copying by any member of the general public during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, holidays excepted) upon a minimum of a three (3)-day notice and appointment except for those records closed pursuant to section 610.021, RSMo. All public meetings of the Behavior Analyst Advisory Board not closed pursuant to the provisions of section 610.021, RSMo, will be open to any member of the public.

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(3) The Behavior Analyst Advisory Board establishes the executive director of the board or his/her authorized representative as the custodian of its records as required by section 610.023, RSMo. The executive director or his/her authorized representative is responsible for the maintenance of the board's records and is responsible for responding to requests for access to public records.

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(4) Whenever a request for inspection of public records is made and the individual inspecting the records requests copies of the records, the board may charge a reasonable fee for the cost for inspecting and copying the records. The fees charged by the board shall be as follows:

(A) A fee for copying public records shall not exceed the actual cost of the document search and duplication;

(B) The board may require payment for the fees prior to making the copies; and

(C) Fees collected shall be remitted to the director of revenue for deposit to the credit of the State Committee of Psychologists' Fund.

(5) Whenever a request for access to public records is made and the custodian believes that access is not required under the provisions of Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before making a determination whether to deny access to the records. In the event that contact by the custodian with the Office of the Attorney General is not practicable or is impossible, the custodian may make a decision whether to deny access. However, in those events, the custodian shall consult with the Office of the Attorney General concerning the decision within five (5) working days of the decision. Whenever the decision is made to deny access, the custodian will comply with the requirements in section 610.023, RSMo concerning informing the individual requesting access to the records. Whenever the custodian denies access to the records, the custodian shall supply to members of the board copies of the written response conveying the denial to the requesting individual. At the next meeting of the board, the board shall either affirm the decision of the custodian or reverse the decision of the custodian. In the event that the board decides to reverse the decision of the custodian, the board shall direct the custodian to so advise the person requesting access to the information and supply the access to the information during regular business hours at the convenience of the requesting party.

(6) The custodian shall maintain a file which will retain copies of all written requests for access to records and responses to these requests through the current audit period. The file shall be maintained as a public record of the board open for inspection by any member of the general public during regular business hours.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 2 - Licensure Requirements

PROPOSED RULE

20 CSR 2063-2.005 Application for Licensure.

AUTHORITY: 337.315 and 337.345, RSMo Supp. 2010

PURPOSE: This rule outlines the procedures to apply for licensure and temporary permits for behavior analysts and assistant behavior analysts.

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(1) Applications for licensure pursuant to section 337.315, RSMo, shall be submitted on the form which may be obtained by contacting the Behavior Analyst Advisory Board.

(2) Behavior Analyst License:

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(A) Applicants applying for licensure as a behavior analyst shall submit:

1. A completed application for licensure must be typewritten or printed in black ink, signed, and notarized.

2. The appropriate licensure fee pursuant to 20 CSR 2238-8.020;

3. One (1) recent photograph, pursuant to section 337.315.1, RSMo, of the applicant's head and shoulders (commonly known as passport style) that fairly depicts the applicant's appearance;

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4. Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant.

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5. Proof of having passed an examination and been certified as a board certified behavior analyst from a certifying entity as defined pursuant to 20 CSR 2063-1.010;

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6. Proof of active status as a board certified behavior analyst; and

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7. Verification of licensure in any other state in which the applicant holds a license as a behavior analyst. Verification of licensure must be received by the board directly from the issuing state agency.

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(3) Assistant Behavior Analyst License.

(A) Applicants applying for licensure as an assistant behavior analyst shall submit:

1. A completed application for licensure must be typewritten or printed in black ink, signed, and notarized.
2. The appropriate licensure fee pursuant to 20 CSR 2238-8.020;
3. One (1) a recent photograph, pursuant to section 337.315.1, RSMo. of the applicant's head and shoulders (commonly known as passport style) that fairly depicts the applicant's appearance;
4. Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant.
5. Proof of having passed an examination and been certified as a board certified assistant behavior analyst from a certifying entity as defined pursuant to 20 CSR 2063-1.010;
6. Proof of active status as a board certified assistant behavior analyst;
7. Verification of licensure in any other state in which the applicant holds a licensed an assistant behavior analyst. Verification of licensure must be received by the board directly from the issuing state agency; and
8. Proof the applicant will be directly supervised by a licensed behavior analyst on a form provided by the board.

(3) Temporary License.

(A) Applicants who are licensed in another state requesting a temporary license shall:

1. Meet the respective requirements of section (2) or (3) of this rule;
2. Submit a copy of a valid license issued in another state; and
3. Have no disqualifying criminal history appear on the family care safety registry.

(B) Temporary licenses shall expire upon issuance of a license or denial of the application but no later than ninety days from issuance of the temporary license.

(C) Holders of a temporary license requesting an extension shall submit a written request to the committee. As provided by section 337.315.4, RSMo the temporary license may be extended one time by the committee.

(5) The applicant shall be informed in writing of the decision regarding the application for licensure.

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<#>Meet the respective requirements of section (2) of this rule; §
<#>Submit proof of passing an examination and been certified as a board certified behavior analyst by the Behavior Analyst Certification Board or a certifying entity listed in subdivision (3) of section 337.300, RSMO, §
<#>Submit proof of active status as a board certified behavioral analyst; and §
<#>Have no disqualifying criminal history appear on the family care safety registry. §
(B) Assistant behavioral analysts applying for provisional licensure prior to August 28, 2010 shall. §
<#>Meet the respective requirements of section (2) of this rule, §

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(6) The board or committee may delegate the preliminary review of license applications to the executive director.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 2 - Licensure Requirements

PROPOSED RULE

20 CSR 2063-2.010 Renewal of License, Inactive License, and Reactivation of License

AUTHORITY: sections 337.320 and 337.030, RSMo

PURPOSE: *This rule establishes the obligation of licensees for renewal of their licenses.*

(1) Renewal of License.

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(A) Failure of a licensee to receive the notice and application to renew the license shall not excuse the licensee from the requirement of section 337.315, RSMo to renew the license.

(B) Any licensee who fails to renew the license within the sixty (60)-day period set forth in section 337.320.3, RSMo shall not perform any act for which a license is required.

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(C) Any licensee who fails to renew his/her license by ??????? of each even-numbered year and, within two (2) years of the registration renewal date, wishes to restore his/her license, shall:

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1. Submit a completed application;

2. Pay the renewal fee and delinquent fee;

3. Submit proof of active certification and fulfillment of all requirements for renewal and recertification with the certifying entity as defined pursuant to 20 CSR 2063-1.010.

(2) Inactive License.

(A) Licensees who request to be classified as inactive pursuant to section 337.320.7, RSMo, shall:

1. Submit a completed application on a form provided by the committee; and

2. Pay the inactive renewal fee as provided in 20 CSR 2063-1015.

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(B) Holders of an inactive license need not complete the continuing education requirement pursuant to section 337.320.7, RSMo.

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(C) Holders of an inactive license.

1. Failure of a licensee to receive the notice and application to renew the inactive license shall not excuse the licensee from the requirement of section 337.315, RSMo to renew the license.

2. Any licensee who fails to renew the inactive license within the sixty (60)-day period set forth in section 337.320.3., RSMo cannot practice and the license shall lapse.

(3) Reactivation of License:

(A) Individuals who request to reactivate the inactive license shall:

1. Submit a complete application on a form provided by the committee;

2. Pay the reactivation fee as provided in 20 CSR 2063-1015; and

3. Submit proof of current certification from a certifying body as established in 20 CSR 2063-1.010.

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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 2 - Licensure Requirements

PROPOSED RULE

20 CSR 2063-2.020 Notification of Change of Address

AUTHORITY: section 337.310, RSMo.

PURPOSE: This rule establishes the obligation of licensees to inform the Behavior Analyst Advisory Board of their changes of address.

- (1) Within thirty (30) days of the effective date of the change, a licensee must inform the board of all changes in the mailing address as it appears on the licensee's license by contacting the Behavior Analyst Advisory Board.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 2 - Licensure Requirements

PROPOSED RULE

20 CSR 2063-2.025 Replacement of License

AUTHORITY: section 337.320.5, RSMo

PURPOSE: This rule establishes the procedures for replacing renewal licenses.

- (1) A licensee whose license is lost, destroyed or mutilated or who requires replacement as a result of an incorrect address or name change, or who requires additional certificates may obtain a duplicate certificate, without charge, upon receipt of a statement indicating the need for the duplicate.

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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board
Chapter 4 – Education and Training Requirements

PROPOSED RULE

20 CSR 2063-4.005 Education Requirements.

AUTHORITY 337.3310.1 (3)

PURPOSE: This rule establishes the educational and training requirements for licensed behavior analysts and licensed assistant behavior analysts pursuant to section 337.310, RSMo.

(1) Applicants for licensure as a behavior analyst or assistant behavior analysts shall meet the educational, training requirement and supervised clinical practicum experience required for eligibility to sit for the certification examination for their respective level offered by the certifying body as defined in 20 CSR 2063-1010.

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**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

**Division 2063—Behavior Analyst Advisory Board
Chapter 4 – Education and Training Requirements**

PROPOSED RULE

20 CSR 2063-4.010 Continuing Education Requirements.

PURPOSE: This rule establishes continuing education requirement for licensed behavior analysts and licensed assistant behavior analysts.

(1) Any licensee applying for the renewal of a behavior analyst license or assistant behavior analysts license shall meet the continuing education requirements for their respective level as required by the certifying body, as defined in 20 CSR 2063-1010 in order to maintain active certification.

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Division 2063—Behavior Analyst Advisory Board
Chapter 4 – Education and Training Requirements
PROPOSED RULE

337.3310.1 The board shall recommend to the committee rules to be promulgated pertaining to:

(5) The characteristics of supervision and supervised clinical practicum experience for the licensed behavior analyst and the licensed assistant behavior analyst;

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(7) The requirements for continuing education for licensed behavior analysts and licensed assistant behavior analysts;
NOTE: Specific number of hours is not specified by HB1311. The follow rules are Continuing Education Rules for Psychology.

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Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2063—Behavior Analyst Advisory Board

Chapter 5 - Supervision

PROPOSED RULE

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20 CSR 2063-5.010 Supervision of Assistant Behavior Analysts.

PURPOSE: This rule establishes the characteristics of supervision for assistant behavior analysts.

Authority 337.3310.1

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(5) The characteristics of supervision for the licensed behavior analyst and the licensed assistant behavior analyst;

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**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

Division 2063—Behavior Analyst Advisory Board

Chapter 5 – Standards of Practice

PROPOSED RULE

337.3310.1 The board shall recommend to the committee rules to be promulgated pertaining to:

(4) The roles, responsibilities, and duties of licensed behavior analysts and licensed assistant behavior analysts;

(6) The supervision of licensed assistant behavior analysts;

(8) A code of conduct; and

THE FOLLOWING IS THE PSYCHOLOGY ETHICS RULES OF CONDUCT:

20 CSR 2235-5.030 Ethical Rules of Conduct

PURPOSE: This rule complies with section 337.050, RSMo which allows the committee through the division to promulgate ethical principles governing the practice of psychology.

(1) General Principles.

(A) Purpose. The ethical rules of conduct constitute the standards against which the required professional conduct of a psychologist is measured.

(B) Scope. The psychologist shall be governed by these ethical rules of conduct whenever providing psychological services in any context. These ethical rules of conduct shall apply to the conduct of all licensees and applicants, including the applicant's conduct during the period of education, training and employment which is required for licensure. The term psychologist, as used within these ethical rules of conduct, shall be interpreted accordingly whenever psychological services are being provided in any context.

(C) Responsibility for Own Actions. The psychologist, when functioning as a licensed psychologist, shall be fully responsible for his/her own professional decisions and professional actions.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of original licensure, reinstatement or renewal of licensure.

(E) Aids to Interpretation. *The Ethical Principles of Psychologists, Code of Conduct, Standards of Providers of Psychological Services* and *Specialty Guidelines for the Delivery of Psychological Services*, (publication date August, 1990) promulgated by the American Psychological Association and the *Code of Conduct* (publication date August, 1990) promulgated by the Association of State and Provincial Psychology Boards, shall be used as an aid in resolving ambiguities which may arise in the interpretation of the ethical rules of conduct, except that these ethical rules of conduct shall prevail whenever any conflict exists between these rules and any professional association standard. *The Ethical Principles of Psychologists and Code of Conduct, Standards of Providers of Psychological Services* and *Specialty Guidelines for the Delivery of Psychological Services* can be obtained from the American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242, or by calling (800) 374-2721. *The Code of Conduct* can be obtained by contacting the Association of State and Provincial Psychology Boards, PO Box 241245, Montgomery, AL 36124-1245 or by calling (334) 832-4580.

(2) Definitions.

(A) Client—means a receiver of psychological services. A corporate entity or other organization can be a client when the professional contract is to provide services of benefit primarily to the organization rather than to individuals. In the case of individuals with legal guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision making purposes, except that the individual receiving services shall be the client for:

1. Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative multiple relationships; and
2. Issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

(B) Confidential information—means information revealed by an individual(s) or otherwise obtained by a psychologist, where there is a reasonable expectation that because of the relationship between the individual(s) and the psychologist, or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the psychologist without the informed written consent of the individual(s). When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. That information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is

reasonable expectation by that individual that information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements in itself.

(C) Court order—means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if that authority has been lawfully delegated to that magistrate or administrator.

(D) Licensed—means licensed, certified, registered, or any other term when such term identifies a person whose professional behavior is subject to regulation by the committee.

(E) Professional relationship—means a mutually agreed upon relationship between a psychologist and a client(s) for the purpose of the client(s) obtaining the psychologist's professional expertise.

(F) Professional service—means all actions of the psychologist in the context of a professional relationship with a client.

(G) Supervisee—means any person, including a psychological trainee, psychological intern, psychological resident, provisionally licensed psychologist, psychological assistant and qualified assistant who functions under the extended authority of the psychologist to provide, or while in training to provide, psychological services.

(3) Competence.

(A) Limits on Practice. The psychologist shall limit practice and supervision to the areas in which competence has been gained through professional education, training derived through an organized training program and supervised professional experience. If important aspects of the client's problems fall outside the boundaries of competency, then the psychologist shall assist his/her client in obtaining additional professional consultation.

(B) Maintaining Competency. The psychologist shall maintain current competency in the areas in which s/he practices, through continuing education, consultation, other training, or any combination of these, in conformance with current standards of scientific and professional knowledge.

(C) Adding New Services and Techniques.

1. The psychologist, when developing competency in a new service or technique, shall engage in ongoing consultation with other psychologists or relevant professionals and shall seek appropriate education, training, supervised experience or all of the above in the new area, service or technique. The psychologist shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature and the known risks associated with it, and of the client's right to freedom of choice concerning services received.

2. In those emerging areas without generally recognized standards for preparatory training, psychologists shall take reasonable steps to ensure the competence of their work and to protect clients/patients, organizational clients, and others from harm.

3. When assuming forensic roles, psychologists shall become familiar with the judicial or administrative rules governing the psychologists' roles and seek relevant consultation and training.

4. In emergencies, psychologists may provide services to individuals for whom no other services are available, even if the psychologist may not have obtained the necessary training, provided such services are designed to assure that needed services are not denied. These services are terminated as soon as the emergency has ended and/or appropriate services are available.

(D) Accurate Representation. A psychologist shall accurately represent his/her areas of competence, education, training, experience, and professional affiliations to the committee, the public, and colleagues.

(E) Sufficient Professional Information. A psychologist rendering a formal professional opinion about a person, for example about the fitness of a parent in a custody hearing, shall not do so without direct and substantial professional contact with or a formal assessment of that person or a detailed explanation of why such contact did not occur.

(4) Maintenance and Retention of Records.

(A) The psychologist rendering professional individual services to a client (or a dependent), or services billed to a third party payer, shall maintain professional records that include:

1. Name of the client and other identifying information such as address, telephone number, age, and/or sex;
2. The presenting problem(s) or purpose or diagnosis;
3. Any assessment including test results or other evaluative results obtained and any basic test data from which they were derived;
4. The date and description of each contact or service provided or pertaining to the client;
5. The nature, type and goals of any psychological interventions;
6. The fee arrangement and documentation of discussion with client prior to initiation of services;
7. A copy of all test or other evaluative reports prepared as part of the professional relationship;
8. Notation and results of formal consults with other providers;
9. Notation of referrals given or recommended to the client;
10. Any releases executed by the client;
11. Records shall contain data relating to financial transactions between the psychologist and client, including fees assessed and collected;

12. Written informed consent must be obtained concerning all aspects of services including assessment and therapy;

13. A provisionally licensed psychologist must include on the informed consent the fact that the provisional licensee is working under the supervision of a licensed psychologist. The informed consent form must identify the supervising psychologist; and

14. Entries in the records must be made within ten (10) days following each consultation or rendition of service. Entries that are made after the date of service must indicate the date entries are made, as well as the date of service.

(B) To meet the requirements of these rules, but not necessarily for other legal purposes, the psychologist shall assure that all data entries in the professional records are maintained for a period of not fewer than five (5) years after the last date of service rendered, or not less than the time required by other regulations, if that is longer.

1. The psychologist shall store and dispose of written, electronic and other records in such a manner as to ensure their confidentiality. The psychologist shall maintain the confidentiality of all psychological records in the psychologist's possession or under the psychologist's control except as otherwise provided by law or pursuant to authorization of a client specifically requesting or authorizing release or disclosure of the client's psychological records; and

2. For each person professionally supervised, the psychologist shall maintain, for a period of not less than five (5) years after the last date of supervision, a record of the supervisory session that shall include the type, place, and general content of the session, as well as other information required by these rules, other law or good practice.

(5) Continuity of Care.

(A) The psychologist shall make prior arrangements for another appropriate professional(s) to be available for consultation during periods of his/her extended absences from professional availability. The psychologist shall inform the client of available emergency services for use during those times when s/he cannot be reached. These periods include, but are not limited to, after-office hours, weekends, holidays or vacations.

(B) The psychologist shall make provisions for the transfer or disposal of all written or electronic records of the client in the event of the psychologist's death or incapacitation.

(6) Multiple Relationships.

(A) Impaired Psychologist. The psychologist shall not undertake or continue a professional relationship with a client when the competency of the psychologist, is or could reasonably be expected to be impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If a condition develops after

a professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination and shall assist the client in obtaining services from another professional.

(B) Multiple Relationship Affecting Psychologist's Judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected to be impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client or a relevant person associated with or related to the client. If a dual relationship develops or is discovered after the professional relationship has been initiated, the psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

(C) Prohibited Relationships.

1. The psychologist, in interacting with any current client or with a client to whom the psychologist has at anytime within the previous twenty-four (24) months rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not enter into a financial or other potentially exploitative relationship with him/her/them.

2. The psychologist, in interacting with any current client or with a person to whom the psychologist at any time within the previous sixty (60) months has rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not—

A. Engage in sexual intercourse, which includes any genital contact of the psychologist with the client or the client with the psychologist. This specifically prohibits sexual intercourse, sodomy—oral, anal copulation, or both; or any penetration of the anal opening by any one (1) part or object;

B. Engage in kissing with the mouth, lips or tongue of the psychologist with the client or the client with the psychologist;

C. Touching or caressing by either the psychologist or client of the other person's breasts, genitals or buttocks;

D. Engage in any deliberate or repeated comments, gestures or physical contact of a sexual nature that exploits the professional relationship with the client;

E. Terminate a therapeutic relationship with a client or student for the purpose, expressed or implied, of having a sexual relationship with that person;

F. Exhibitionism and voyeurism—exposing one's self or encouraging another to expose him/herself for the purpose of sexual gratification; or

G. Engage in any verbal or physical behavior toward him/her which is sexually seductive, demeaning, or harassing.

3. Prohibited exploitation in professional relationships. The psychologist shall not exploit, sexually or otherwise, his/her professional relationship with clients, supervisees, students, employees, research participants or others.

(7) Client Welfare.

(A) Providing Explanation of Procedures.

1. The psychologist shall give a truthful, understandable and reasonably complete account of the client's condition to the client or the parent of minor children or legal guardian. The psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment or other procedures, and of the client's right to freedom of choice regarding services provided.

2. When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist shall explain and document the nature of the relationships with all individuals or organizations involved. This includes the role of the psychologist, who is the client, the probable uses of the services provided or the information obtained, and any known or probable limits to confidentiality.

(B) Termination of Services. Whenever professional services are terminated, the psychologist shall provide alternative sources of professional services or assistance when indicated. The psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefitting from the relationship, and shall prepare the client appropriately for such termination.

(C) Unnecessary Service. The psychologist shall not exploit clients by providing unnecessary psychological service.

(D) Stereotyping. The psychologist shall not impose on the client any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of psychological services to the client. The psychologist obtains training, experience or counsel to assure competent service or research relating to these persons.

(E) Sexual or Other Multiple Relations With a Client. The psychologist shall not enter into a sexual or other multiple relationship with a client, as specified in subsections (6)(B) and (C) of these ethical rules of conduct.

(F) Solicitation of Business by Clients. The psychologist providing services to an individual client shall not induce that client(s) to solicit business on behalf of the psychologist.

(G) Referrals on Request. The psychologist shall make an appropriate referral to another professional when requested to do so by the client.

(H) Offering Services to Clients of Others. In deciding whether to offer services to someone already receiving similar services elsewhere, the psychologist shall carefully consider the treatment issues and the potential client's welfare. The psychologist shall discuss these issues with the client to minimize the probable risks of confusion and conflict, and proceed with caution and sensitivity to the therapeutic issues.

(8) Welfare of Supervisees, Clients, Research Subjects and Students.

(A) Welfare of Supervisees and Students. The psychologist shall not harass or exploit a supervisee or student in any way—sexually, financially or otherwise. The psychologist as a teacher shall recognize that the primary obligation is to help others acquire knowledge and skill. The psychologist shall maintain high standards of scholarship by presenting psychological information objectively, fully and accurately. The teaching duties of the psychologist shall be performed on the basis of careful preparation so that the instruction is accurate, current and scholarly.

(B) Welfare of Clients and Research Subjects.

1. Clarifying expectations. The psychologist shall document that the client has been informed as to the purpose and nature of an evaluation, research, treatment or educational procedure as well as reasonable alternatives in language commensurate with the individual's level of comprehension.

2. Minors and those with diminished capacity. Whenever possible, the psychologist shall obtain informed consent from children and from individuals with diminished mental capacity regarding their participation in psychological services or research. If they object to participation, the psychologist shall consider the individual's basic rights in light of those factors such as age, psychological maturity and the judgment of the individual's parents or legal guardians. The psychologist's decision shall be based upon the best interests of the individual.

3. Voluntary and mandatory procedures. The psychologist shall inform recipients as to the voluntary or mandatory nature of the assessment, treatment, research, educational or training procedure. When a procedure is voluntary, the psychologist shall inform the clients, students or research participants of their freedom of choice and any alternatives to participation.

4. Electronic recording and filming. The psychologist shall obtain permission from clients, students and research participants prior to the use of observation or electronic taping, recording or filming procedures.

5. Access to confidential information of others. When the possibility exists that others may obtain access to confidential information, the psychologist shall explain this possibility, together with plans for protecting confidentiality, to clients, students or research participants as part of the procedure for obtaining informed consent.

6. Inducements for research participants. In offering clinical or other professional services as an inducement for obtaining research participants, the psychologist shall make clear the nature of the services as well as the risks and obligations.

7. Research involving risk or discomfort. When conducting research, the psychologist shall clearly communicate to participants the experience they are likely to have, especially those that they might find negative, such as physical risk or discomfort, or negative emotional reactions.

8. Freedom to avoid or withdraw from research. Individuals are ordinarily free to decline to participate or to withdraw from research without adverse consequences. When research participation is mandated by a third party, the psychologist shall describe the probable consequences of consenting, declining to participate or subsequently withdrawing from the research.

9. Protecting the right of the individual to avoid or withdraw from research. When the psychologist conducts research with individuals whose real or ascribed power is different than that of the psychologist, special care shall be taken to protect their rights to decline participation or withdraw from research.

10. Waiving informed consent.

A. Before deciding to waive informed consent, the psychologist planning research that may not require informed consent, such as certain types of archival research or anonymous naturalistic observations, shall consult with federal and state guidelines or human subject review committees.

B. When informed consent by a legally authorized person is not permitted or required by law, psychologists shall take reasonable steps to protect the individual's rights and welfare.

11. Research obligations and responsibilities. Prior to conducting research, the psychologist shall establish a clear and fair agreement with participants that clarifies the obligations and responsibilities of each party.

12. Post-research consultation with participants. The psychologist shall inform participants of procedures for contacting him/her, within a reasonable time period following participation, should stress, harm or related questions or concerns arise.

13. Provision of participants research results and conclusions. When conducting research, the psychologist shall provide participants, regardless of age or diminished mental capacity, with the opportunity to receive information about the general results and conclusions of that research.

14. The sharing and utilization of data. The psychologist shall clarify, in advance, the plans for sharing and utilizing research data with participants and any other persons.

15. Research planning. In planning a study, the psychologist shall carefully evaluate ethical acceptability. If the weighing of scientific and human values suggests the possibility of a violation of any principle, the

psychologist shall seek ethical advice through peer consultation and institutional review boards, and observe stringent safeguards to protect the rights of human participants and the welfare of animal subjects.

16. Animal subjects' welfare. When working with animal subjects, the psychologist shall ensure that the animals will be treated humanely. The psychologist shall only inflict discomfort, illness or pain when the objectives of the research cannot be achieved by other methods. Any procedures that do inflict pain, stress or privation must be strongly justified by their prospective scientific, educational or applied value.

17. Assessment of risk level and protection of human participants. Assessing the degree of risk to research participants, according to recognized standards, is of primary ethical concern to the psychologist. Human participants shall be protected from physical and mental harm as well as any danger that may arise from research procedures.

18. Deception and debriefing. The psychologist shall not deceive human participants about the experience of participating in a study, especially those aspects that subjects might find negative, such as physical risk, discomfort or unpleasant emotional experiences. Any deceptive aspects of a study shall be explained at the conclusion or earlier. Before conducting such a study, psychologists have a special responsibility to determine whether—

A. The use of deceptive techniques is justified by the study's prospective scientific, educational or applied value; and

B. Alternative procedures are available that do not use concealment or deception.

19. Minimizing invasiveness of data gathering. Interference with the milieu in which data are collected shall be kept to a minimum.

(9) Protecting Confidentiality of Clients.

(A) Informing Others of Legal Limits of Confidentiality. The psychologist shall inform clients at the outset of a professional relationship of those constraints on confidentiality that can be reasonably anticipated.

(B) Safeguarding Confidential Information. The psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research or other professional duties. Psychologists who offer services, products or information via electronic transmission shall inform clients/patients of the risks to privacy and limits of confidentiality.

(C) Disclosure of Confidential Information. The psychologist shall disclose confidential information to others only with the informed written consent of the client with the exceptions as set forth here.

1. Disclosure without informed written consent. The psychologist may disclose confidential information without the informed written consent of the client when the psychologist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the

client or on another person. In that case, the psychologist shall disclose the confidential information only to appropriate professional workers, public authorities, the potential victim, the family, or both, of the client. When the client is an organization, disclosure shall be made only after the psychologist has made a reasonable and unsuccessful attempt to have the problems corrected within the organization.

2. Use of interpreters. Psychologists using the services of an interpreter shall obtain informed consent from the client/patient to use that interpreter, shall ensure that confidentiality of test results and test security are maintained, and include in recommendation reports and diagnostic or evaluative statements, including forensic testimony, discussion or any limitations on the data obtained.

3. Legally dependent clients. At the beginning of a professional relationship, to the extent that the client can understand, the psychologist shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality with respect to his/her communications with the psychologist.

4. Multiple clients. When service is rendered to more than one (1) client during a joint session, for example to a family or a couple or a parent and child or a group, the psychologist shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled. All parties shall be given opportunity to discuss and to accept whatever limitations of confidentiality will be adhered in the situation.

5. Release of confidential information. The psychologist may release confidential information upon court order, as defined in section (2) of this rule, or to conform with state or federal law or regulation.

6. Abuse reports of abuse of children and vulnerable adults. The psychologist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with the law.

7. Discussion of client information among professionals. When rendering psychological services as part of a team or when interacting with other appropriate professionals concerning the welfare of the client, the psychologist may share confidential information about the client provided the psychologist takes reasonable steps to assure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.

(D) Limited Access to Client Records. The psychologist shall limit access to client records and shall assure that all persons working under his/her authority comply with the requirements for confidentiality of client material.

(E) Disguising Confidential Information. For any confidential information used in teaching, research or writing, the psychologist shall insure that the reported material is appropriately disguised to prevent client identification.

(F) Observation and Electronic Recording The psychologist shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed written consent of the client.

(G) Confidentiality After Termination of Professional Relationship. The psychologist shall continue to treat client records as confidential information after the professional relationship between the psychologist and the client has ceased.

(10) Integrity and Representation of Title and Services.

(A) Display of License. The psychologist shall display prominently on the premises of the professional practice the psychologist's current Missouri license to practice psychology.

(B) Use of Appropriate Title. When representing him/herself to the public through advertisements, including telephone listings, business cards, letterhead and other public announcements, the psychologist shall use a title which accurately reflects professional education, training and experience. This title shall be clearly presented as to denote the actual status and training of the person. Initials of titles are not appropriate for use. For example, the title of Psychological Resident shall not be listed as P.R., the title of Clinical Psychologist shall not be listed as C.P., or the title of Provisional Licensed Psychologist shall not be listed as P.L.P. The use of initials for the highest earned relevant academic degree is acceptable.

(C) Accurate Representation of Services. When announcing or advertising professional services, the psychologist may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally accredited institution, date, type and level of certification or licensure, diplomate status, American Psychological Association (APA) membership status, address, telephone number, office hours, a brief listing of the types of psychological services offered, an appropriate presentation of fee information, foreign languages spoken and a policy with regard to third-party payments. Psychologists licensed on the basis of a master's degree shall not advertise their services using a higher degree earned in a field other than psychology.

(D) Accurate Representation of Qualifications. The psychologist shall not misrepresent directly or by implication his/her professional qualifications, such as, education, experience or areas of competence.

(E) Accurate Representation of Affiliations. The psychologist shall not misrepresent directly or by implication his/her affiliations, or the purposes or characteristics of institutions and organizations with which the psychologist is associated.

(F) False or Misleading Information. The psychologist shall not include false or misleading information in public statements concerning psychological services offered. Public statements include, but are not limited

to, communication by means of periodical, book, list, directory, television, radio or motion picture. They shall not contain:

1. A false, fraudulent, misleading, deceptive or unfair statement;
2. A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;
3. A testimonial from a client regarding the quality of a psychologist's services or products;
4. A statement intended or likely to create false or unjustified expectations of favorable results;
5. A statement implying unusual, unique or one-of-a-kind abilities;
6. A statement intended or likely to appeal to a client's fears, anxieties or emotions concerning the possible results of failure to obtain the offered services;
7. A statement concerning the comparative desirability of offered services; or
8. A statement of direct solicitation of individual clients.

(G) Accurate Representation of Services or Products. The psychologist shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent—

1. The services or products;
2. The degree of his/her responsibility for the services or products; or
3. The nature of his/her association with the services or products.

(H) Correction of Misrepresentation by Others. The psychologist shall correct others who misrepresent his/her professional qualifications or affiliations.

(I) Accurate Claims. The psychologist shall take credit only for work actually done, including publication credit.

(J) Publication Credit. Publication credit shall accurately reflect the relative contribution of the individuals involved, regardless of professional status. A student generally is listed as the principal author of any multiple-authored article based primarily on the student's thesis or dissertation. Minor contributions to publications shall be acknowledged in footnotes or in an introductory statement.

(K) Acknowledging All Sources. Plagiarism in either written or oral form is unethical. Acknowledgment through specific citations shall be made for unpublished as well as published material that has directly influenced the research or writing.

(L) Fabrication of Data. A psychologist shall not fabricate data. If a psychologist discovers significant errors in their published data, they shall take reasonable steps to correct these errors in a correction, retraction, erratum or other appropriate publication means.

(11) Remuneration.

(A) Financial Arrangements.

1. All financial arrangements shall be made clear to each client in advance of billing.
2. The psychologist shall not mislead or withhold from any client, prospective client or third-party payor information about the cost of his/her professional services.
3. The psychologist shall not exploit a client or responsible payor by charging a fee that is excessive for the services performed or by entering into a bartering arrangement in lieu of a fee.
4. The primary obligation of the psychologist employed by an institution, agency or school is to persons entitled to his/her services through the institution, agency or school. A psychologist shall not accept a private fee or any other form of remuneration from those persons unless the policies of a particular institution, agency or school make explicit provision for private work with its clients by members of its staff. In those instances, the client or guardian shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with the psychologist.

(B) Improper Arrangements.

1. The psychologist shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate exclients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.
2. The psychologist shall not use his/her professional relationship with clients or immediate exclients to derive personal gain, other than through fees for professional services, for him/herself, or for any other person, or for any organization from the sale or promotion of a nonpsychology-related product or service.
3. The psychologist shall neither give nor receive any commission, rebate or other form of remuneration for referral of a client for professional services.
4. The psychologist shall not bill for services that are not rendered. However, s/he may bill for missed appointments which the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (11)(A)1. of this rule.

(12) Assessment Procedures.

(A) Competent Use of Assessment Techniques. The psychologist shall use, administer and interpret psychological assessment techniques competently and maintain current knowledge about research developments and revisions concerning the techniques that are used.

(B) Confidential Information. The psychologist shall treat an assessment result or interpretation regarding an individual as confidential information.

(C) Communication of Results. The psychologist shall accompany communication of results of assessment procedures to the client, parents, legal guardians or other agents of the client by adequate interpretive aids or explanations.

(D) Reservations Concerning Results. The psychologist shall include in his/her report of the results of an assessment procedure any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability or other interpretation of results.

(E) Protection of Integrity of Assessment Procedures. The psychologist shall not reproduce or describe in popular publications, lectures or public presentations, psychological tests or other assessment devices in ways that might invalidate them.

(F) Information for Professional Users. The psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the assessment procedure or interpretive services are factual and descriptive.

(13) Violations of Law.

(A) Violations of Applicable Statutes. The psychologist shall not violate any applicable statute or administrative rule regarding the practice of psychology.

(B) Use of Fraud, Misrepresentation or Deception. The psychologist shall not use fraud, misrepresentation or deception in:

1. Obtaining a psychology license;
2. Passing a psychology licensing examination;
3. Assisting another to obtain a psychology license or to pass a psychology licensing examination;
4. Billing clients or third-party payors;
5. Providing psychological service;
6. Reporting the results of psychological evaluations or services; or
7. Conducting any other activity related to the practice of psychology.

(14) Aiding Unauthorized Practice.

(A) Aiding Unauthorized Practice. The psychologist shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology.

(B) **Employing Other Licensed Professionals.** A psychologist may employ or utilize the services of other licensed professionals in his/her practice so long as this professional is acting within the terms and scope of his/her respective license.

(C) **Delegating Professional Responsibility.** The psychologist shall not delegate professional responsibilities to a person not qualified, not appropriately credentialed to provide those services, or both.

(D) **Providing Supervision.** The psychologist shall exercise appropriate supervision over supervisees, as set forth in the regulations of the committee.

1. In academic and supervisory relationships, psychologists establish timely and specific processes for providing feedback to students and supervisees. Information regarding the process is provided to the student and supervisees at the beginning of supervision.

2. Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

(15) **Resolving Issues.**

(A) **Reporting of Violations to Committee.** The psychologist who has knowledge or believes in good faith that there has been a violation of the statutes or rules of the committee shall inform the committee in writing. When the information regarding that violation is obtained in a professional relationship with a client, the psychologist shall report it only with the written permission of the client. Nothing in this rule shall relieve a psychologist of the duty to file any report required by applicable statutes. Failure to report a violation of the statutes and/or rules, is in itself, an ethics violation.

(B) **Providing Information to Client.** When a psychologist learns from a client of a possible violation of the statutes or rules of the committee, or when a psychologist receives a request from a client for information on how to file a complaint with the committee, the psychologist has an obligation to inform the client of the standards of practice of psychology and how to file a complaint with the committee.

(C) **Cooperating with the Committee.** The psychologist shall cooperate with the State Committee of Psychologists by responding personally or through his/her attorney to inquiries.

(D) **Circumventing Disciplinary Rules.** Psychologists shall not circumvent a disciplinary rule of professional conduct through actions of another.

2012 shall:

- Meet the respective requirements of section (2) of this rule;
- Submit proof of passing an examination and been certified as a board certified behavior analyst by the Behavior Analyst Certification Board or a certifying entity listed in subdivision (3) of section 337.300, RSMO;
- Submit proof of active status as a board certified behavioral analyst; and
- Have no disqualifying criminal history appear on the family care safety registry.

(B) Assistant behavioral analysts applying for provisional licensure prior to August 28, 2010 shall:

- Meet the respective requirements of section (2) of this rule;
- Submit proof of passing an examination and been certified as a board certified assistant behavior analyst by the Behavior Analyst Certification Board or a certifying entity listed in subdivision (3) of section 337.300
- Submit proof of active status as a board certified assistant behavioral analyst; and
- Submit proof the applicant will be directly supervised by a licensed behavior analyst. Such documentation shall include:
 - Have no disqualifying criminal history appear on the family care safety registry.

(C) As required by section 337.345 the applicant for provisional licensure shall meet the requirements for licensure under 337.315 within three (3) months of the date of issuance of the provisional license.

(D) Pursuant to section 337.345, the provisional licenses shall only be effective until August 28, 2012 or until the committee grants or rejects licensure under section 337.315 or the provisional license is suspended or revoked.