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**Rules of  
Department of Commerce and  
Insurance**

**Division 2063—Behavior Analyst Advisory Board  
Chapter 1—General Rules**

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**Title 20—DEPARTMENT OF  
COMMERCE AND INSURANCE**  
**Division 2063—Behavior Analyst  
Advisory Board**  
**Chapter 1—General Rules**

**20 CSR 2063-1.005 Behavior Analyst Advisory Board**

*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.

(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 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 guid-

ed 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.

*AUTHORITY:* sections 337.305 and 337.310, RSMo Supp. 2010.\* Original rule filed Nov. 30, 2010, effective May 30, 2011.

\*Original authority: 337.305, RSMo 2010 and 337.310, RSMo 2010.

**20 CSR 2063-1.010 Definitions**

*PURPOSE:* This rule establishes various definitions and terms used in 20 CSR 2063.

(1) Applicant—An individual applying for licensure as a behavior analyst or assistant behavior analyst.

(2) Certifying entity—Behavior Analyst Certification Board (BACB)<sup>®</sup>, 2888 Remington Green Lane, Suite C, Tallahassee, FL 32308 and approved by the committee.

(3) Committee—State Committee of Psychologists as established in section 337.050, RSMo.

(4) Division—Division of Professional Registration.

(5) Department—Department of Commerce and Insurance.

(6) Family Care Safety Registry—The registry established by the Missouri Department of Health and Senior Services pursuant to section 210.903, RSMo.

*AUTHORITY:* section 337.310, RSMo Supp. 2010.\* Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expired June 7, 2011. Original rule filed Nov. 30, 2010, effective May 30, 2011. Non-substantive change filed July 30, 2019, published Sept. 30, 2019.

\*Original authority: 337.310, RSMo 2010.

**20 CSR 2063-1.015 Fees**

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

(1) The following fees are established for the Behavior Analyst Advisory Board and are

payable to the State Committee of Psychologists:

(A) Application Fee for Behavior Analyst	\$150
(B) Application Fee for Assistant Behavior Analyst	\$150
(C) Biennial Renewal Fee	\$150
(D) Delinquency Fee (in addition to the Renewal Fee)	\$ 50
(E) Replacement License Fee	\$ 10
(F) Inactive Renewal Fee	\$ 50
(G) Inactive Reactivation Fee (section 337.320.8, RSMo)	\$100
(H) Insufficient Check Fee	\$ 25

(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.

*AUTHORITY:* sections 337.310, 337.315, 337.320, and 337.340, RSMo Supp. 2012.\* Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expired June 7, 2011. Original rule filed Nov. 30, 2010, effective May 30, 2011. Amended: Filed May 22, 2013, effective Nov. 30, 2013.

\*Original authority: 337.310, RSMo 2010, amended 2012; 337.315, RSMo 2010, amended 2012; 337.320, RSMo 2010; and 337.340, RSMo 2010.

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

*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.

(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.

(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.

(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.

(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.

*AUTHORITY: section 337.310, RSMo Supp. 2010 and sections 610.010–610.030, RSMo 2000 and Supp. 2010.\* Original rule filed Nov. 30, 2010, effective May 30, 2011.*

*\*Original authority: 337.310, RSMo 2010 and 610.010–610.030, see RSMo 2000 and RSMo Supp. 2010.*