

July 1, 2014

Ms. Jennifer L. Filippone  
Chief Practitioner/Licensing and Investigation  
Department of Public Health  
410 Capitol Avenue  
P.O. Box 340308  
Hartford, CT 06134

**RE: Initial Scope of Practice information for the licensure of behavior analysts, proposed by the Connecticut Association for Behavior Analysis (CTABA).**

Dear Ms. Filippone,

The Connecticut Association for Behavior Analysis (CTABA) is a professional organization that seeks to assist in the development and advancement of the field of behavior analysis within the state of Connecticut through research, education, and dissemination of information. CTABA represents Board Certified Behavior Analysts (BCBA) and Board Certified Assistant Behavior Analysts (BCaBA) in Connecticut, with a current membership of over 350 persons certified by the Behavior Analysis Certification Board® (BACB).

Behavior analysis practitioners are currently credentialed in the form of an international certificate program administered through the BACB. However, there is growing interest in licensure for behavior analysis practitioners at the state level. Reasons for moving in this direction include protecting the rights of behavior analysts to practice their discipline and increased consumer protection (APBA, 2009).

The following scope of practice is consistent with other scopes of practice in current Connecticut legislation.

"Behavior Analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between the environment and behavior, to produce socially significant improvement in human behavior.

## **Public Health & Safety Benefits**

The primary rationale relative to the public health and safety benefits of the licensing of behavior analyst is increased consumer protections for individuals receiving behavior analytic services. Currently, the responsibility for protecting consumers served by BCBA's falls under the auspices of the BACB's disciplinary review committee. The BACB's review committee has been very effective in monitoring complaints and identifying individuals fraudulently claiming certification. However, this committee reviews only those behavioral professionals who hold a BACB/BCaBA certificate. An individual that practices ABA without certification and does not claim to be a BACB certificant is not subject to the authority of the BACB review committee.

With the establishment of a behavior analyst's license, there would be authority to conduct localized investigations into claims of professional misconduct or misrepresentation. A Department of Public Health investigation would also provide the BACB review committee additional evidence for investigation of potential professional misconduct. Additionally, the BACB review committee would also gain increased enforcement authority by referring certificants that also hold a state license to the Department of Public Health for investigations of potential violations of professional practice.

BCBA's and BCaBA's work with the most young, vulnerable, and disabled populations in Connecticut. ABA services are often conducted in schools or homes by non-certified paraprofessional staff under the supervision of a BCBA. Licensure will offer families a regulated process to investigate accusations of misconduct and prosecute those who violate their scope of practice. These increased regulatory standards should also serve to protect the field, as all practitioners of ABA would be subject to regulatory standards consistent with other established licensed professional disciplines (e.g., speech language therapists, physical therapists, and psychologists).

In 2008, a woman named Stacey Lore claimed to be a BCBA and provided consultative services to school districts and families privately. It was only after school districts and families had paid her hundreds of thousands of dollars, and some of the children experienced loss of skills and valuable intervention time that can never be reclaimed, it was discovered that Ms. Lore was not a BCBA. In fact, her highest level of education was a GED. Ms. Lore was investigated by the Attorney General's office, and the Norwalk Police Department. Ms. Lore was convicted and sent to prison. This situation was the impetus for both Public Acts 10-175 and 11-228.

Our proposed licensure bill will include language that specifically protects other professionals who have behavior analysis within their scope of practice, such as psychologist and school psychologists. Only those individuals who practice behavior analysis outside of their scope of practice or without any professional credential would be prohibited from doing so by this proposed licensing bill. The Department of Health would have the authority and responsibility for enforcing this licensure law.

A number of professions and other groups have been involved in the discussions concerning BCBA legislation in the past, including Psychologists, Speech Language and Hearing professionals, Occupational Therapists, college and university professors who teach behavior analytic coursework, parents of children with autism and other disabilities, parent advocates, and private state approved schools that employ BCBA's.

There is only one nationally recognized certification for behavior analysts, which is obtained through the BACB. The BACB's BCBA and BCaBA credentialing programs are accredited by the National Commission for Certifying Agencies (NCCA) in Washington, DC. The NCCA is the accreditation body of the Institute for Credentialing Excellence. The BACB reviews the course work requirements and supervised fieldwork experience, and then provides a professionally developed, psychometrically valid and reliable written exam for those applicants who have met all qualifications. We are hopeful that the Department of Public Health would enforce the relevant statutes where treatment providers claiming to be experts in ABA are held accountable when making unsupported claims regarding their scope of practice.

### **Impact to Public Access to Health Care**

Licensure for behavior analysts would have a significant impact on the public's ability to easily access behavior analytic treatment through their health care providers. Even though Connecticut has passed legislation that mandates insurance coverage for treatment for children with autism by BCBA's, some insurance companies are limiting families this coverage because they contend that providers must have a state license to practice, not just be credentialed by the BACB. Unless parents have the knowledge and ability to contest this decision, they are often denied this mandated insurance coverage. Additionally, licensure would allow consumers to access their self-funded plans and Medicaid more easily for Autism Spectrum Disorders, and other Neurodevelopmental disorders.

While Behavior Analysts have been most commonly utilized by clients with Autism, the expertise of the field stretches far beyond, but currently families and providers have only been able to secure services at the point of last resort when a client is already in crisis. With licensure of behavior analysts consumers may be more apt to access treatment as a preventative measure rather than a reactive manner, which leads to more effective treatment and reduces the likelihood of outplacement for clients within public schools or removed from their homes and placed in residential facilities.

Although Connecticut is fortunate to have one of the highest concentrations per capita of BCBA's and BCaBA's in the country, and our state leadership has actively supporting provision of ABA by passing laws to provide insurance coverage, implementation in our public schools, and a title protection act, there is still a many more people who would benefit from ABA services than there are qualified professionals to provide these services. Licensure legislation

will encourage those who are interested in this profession to meet or exceed the minimum education, supervision and training requirements necessary to truly function as a resource for residents of Connecticut.

### **Summary of State & Federal Laws**

Currently, the Department of Disability Services (DDS), Department of Children and Families (DCF), Connecticut Birth to Three (B23), the State Department of Education (SDE), and other state agencies recognize behavior analysis services as one part of their available services and provide reimbursement to Board Certified Behavior Analysts® (BCBAs) and supervised Board Certified Assistant Behavior Analysts® (BCaBAs) treating individuals with Autism Spectrum Disorders as well as children with other behavioral issues.

Additionally, the need for behavior-analytic services is underscored by the recent Connecticut legislative action proposed on behalf of children, adults and families: Special Act 08-5, Public Act 08-63, Public Act 09-115, Public Act 10-175, and Public Act 11-228. In recognition of the increasing needs of children and adults with behavioral needs and their families to have access to services provided by licensed and trained staff (including paraprofessionals), the Connecticut State Legislature has passed six bills in the past several years related to autism spectrum disorders:

- 1) Special Act 08-5: An Act Concerning Special Education and Instructional Methods Concerning Autism and Other Developmental Disabilities, which called for a task force to be assembled to define Autism and developmental disabilities and develop recommendations for training needs of pre-service and in-service educators, administrators and paraprofessionals across the state and identify available resources for providing this training.
- 2) Public Act 08-63: An Act Concerning Expansion of the Pilot Program for Persons with Autism Spectrum Disorders created a pilot project and ensured that such a pilot project remained in effect through June 30, 2009 (this program continues today). This program aims to provide services through the Department of Developmental Services for individuals with an Autism Spectrum Disorder who do not have an intellectual disability.
- 3) Public Act 09-115: An Act Requiring Insurance Coverage for Autism Spectrum Disorder Therapies. The purpose of this bill is to provide insurance coverage for Autism Spectrum Disorder therapies including Applied Behavior Analysis overseen by Board Certified Behavior Analysts.
- 4) Public Act 10-175: An Act Concerning Special Education, which requires programs offering behavior analytic services to individuals with Autism to be overseen by professionals with proper credentials including Board Certified Behavior Analysts.
- 5) Public Act 11-228: This act makes it a felony to present oneself as a Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst without proper credentials. Penalties include a \$500 fine or up to 5 years of imprisonment or both.

- 6) 6) HB 5537 which reiterates that BCBA's and BCaBA's can provide ABA services in keeping with PA 10-175, and does not conflict with the scope of practice of Speech Language and Hearing professionals.

### **Current Regulatory Oversight of Profession**

Currently, the state of Connecticut provides regulatory oversight via PA 10-175, PA 11-228, and HB 5537. If licensure is established for behavior analysts in Connecticut, Department of Public Health oversight may provide disciplinary action for those who have not met the training and ethical guidelines of a licensed behavior analyst in good standing. In addition, the Department of Public Health could implement disciplinary measures for those who fall outside of the ethical or legal boundaries (e.g., an individual who commits a felony).

### **Current Education, Training and Examination Requirements**

Board Certified Behavior Analysts (BCBA's) must meet the eligibility standards established by the Behavior Analyst Certification Board. The BACB has established 3 options that would meet the requirements.

Option 1 includes the possession of a minimum a master's degree that was conferred in behavior analysis or other natural science, education, human services, engineering, medicine or a field related to behavior analysis and approved by the BACB. The course work requirements include the completion of 225 classroom hours of graduate level instruction in the following content areas and for the number of hours specified:

- 1) Ethical considerations - 15 hours;
- 2) Definition & characteristics and Principles, processes & concepts - 45 hours;
- 3) Behavioral assessment and Selecting intervention outcomes & strategies - 35 hours;
- 4) Experimental evaluation of interventions - 20 hours;
- 5) Measurement of behavior and Displaying & interpreting behavioral data - 20 hours;
- 6) Behavioral change procedures and Systems support - 45 hours;
- 7) Discretionary behavior-analytic content - 45 hours

Acceptable course work must include college or university courses in behavior analysis that are taken from an institution that meet the requirements specified by the BACB. The BACB is currently increasing the coursework requirements and this will be in effect with the first examination of 2015. The experience requirements must be met as established and outlined in *Appendix A* by the BACB.

*Option 2* includes a teaching option at a college level. The applicant must complete one academic year as a full time faculty member at a college or university during which the applicant must teach classes on basic principles of behavior, single-subject research methods, application of basic principles of behavior in applied settings, and ethical issues. In addition the applicant must publish research in the field of behavior analysis. The experience requirements must be met as established and outline in *Appendix A* by the BACB.

*Option 3* includes a doctorate/BCBA review. The applicant must have a doctoral degree, conferred at least ten (10) years prior to applying. The field of study must be behavior analysis, psychology, education or another related field (doctoral degrees in related fields are subject to BACB approval). In addition, the applicant must have 10 years post-doctoral experience practicing behavior analysis. Experience must be verified independently by three Board Certified Behavior Analysts (BCBAs) and supported by information provided on the applicant's CV (curriculum vitae).

Applicants must complete course work requirements and supervised fieldwork experience, and then pass a professionally developed, psychometrically valid and reliable written exam.

### **Summary of Known Scope of Practice**

Per our research, the scope of practice for behavior analysis is only described in PA 09-115, PA 10-175, PA 11 - 228, and HB 5537 which only provides limited practice and consumer protections related to fraud, insurance coverage, and provision of services in public schools.

### **Affects Existing Relationships within the Health Care System**

Licensing behavior analysts would positively affect existing relationships within Connecticut's health care system. Currently, schools, families, hospitals, and others in need of services must spend valuable time and funds conducting their own research to identify qualified individuals, because there is no clearly defined standard acknowledged by the state. If behavior analysts required a license, qualified professionals would become easily identifiable. This would save families and organizations from what can be an exhausting process of independent verification of a provider's experience and credentials, with inconsistent results and allow them to identify qualified professionals more efficiently.

### **Anticipated Economic Impact and Budget Assumptions**

As previously mentioned, there is no negative fiscal impact anticipated as BCBAs/BCaBAs are already employed statewide in public schools, private schools, hospitals, home based service agencies, state agencies (e.g., DDS, DCF), and colleges and universities.

The BACB is already charged to verify each applicant's coursework requirements and supervised experience prior to approving the applicant to complete the certificate exam. By adhering to the proposed licensure bill, this will allow for the BACB to continue providing such services for states, Connecticut could avoid costly budget items such as:

- i. Creating, administering, evaluating, and revising a licensure exam
- ii. Creating and approving coursework requirements
- iii. Creating standards for ethical conduct
- iv. Creating and administering continued education policies and providers

As of April 1, 2014 there are currently 384 BACB/BCaBA certificants who would qualify for licensure in Connecticut. The number of BACB certificates worldwide grows at the annual rate 20-25% per year, and in Connecticut has been approximately 25%. Based on this rate of growth it is anticipated that by January 2016 there will be at least 530 BCBA's working in Connecticut, including those that reside out of state but are regularly employed in Connecticut. Although licensure would have a significantly positive effect on the lives of children and families affected by ASD and other behavioral disabilities, the economic impact to Connecticut would be beneficial as follows:

- 1) The professionalization of BCBA's would result in insurance companies recognizing the profession relative behavior health treatment. In addition to meeting the clinical need for behavioral health treatment, BCBA's experience an immediate economic boost relative to the number of individuals that would be served under licensure.
- 2) It is estimated that the projected 530 LBAs would pay an initial licensing fee of \$350.00 per year, and an annual renewal fee of \$175 for each subsequent year.
- 3) The number of new BCBA/BCaBA's has been increasing and is expected to continue to increase as the number of university programs grows. Eastern Connecticut State University, University of St. Joseph, Southern Connecticut State University and Western Connecticut State University are now providing BACB-approved course work for certification as a BABA or BCaBA. Based on current growth rates in this state, continued growth of 25% each year has been utilized in development of the budget projection included with this application. Utilization of the BACB credential, testing, and administrative support will dramatically reduce the overall cost of administering a state license. It will also enable BCBA's/BCaBA's who move to the state to readily enter the workforce. Licensure of behavior analysts is conservatively estimated to be approximately \$21,000 the first year including all start up costs, which includes a one time start up costs of approximately \$7,500.00. Based on these projections, it is estimated that Connecticut would realize a significant surplus every year relative to the management expenses related to the licensing of BCBA/BCaBA's.
- 6) We recognize that the fees collected do not go back to the Department of Health to cover the cost of administering this program. Therefore we will advocate for an appropriations for the cost of implementation.

#### 4) Administrative Fee

- a. Administrative fees include items such as staff salaries, lease, utilities, office supplies, equipment and maintenance, computer services, telephone services, etc.
- b. Administrative fees assume a full-time salary and benefits of \$70,000, allocated at \$41.66 per hour for the first year for an estimated annual hourly allocation of 180 hours per year dedicated to processing of application and other associated functions. This is based upon the BACB estimate of an average time to process applications of 15 minutes per applicant for new applications when utilizing the BACB infrastructure (125 hour per year), plus an additional 55 hours per year for time required to interface with applicants, other state agencies, or others related to the licensing process. Subsequent years assume a 10 minute process per person for a renewal, and 15 minutes per person for initial applications.
- c. Salary and benefits costs are increased each year by 10%.
- d. The first year assumes a start-up cost equal to the annual cost of operating the program including development of website materials, application forms, and clerical processes.
- e. An office such as the *Department of Public Health* establishes administrative fees based on criteria that include:
  - i. Number of total licensees at the Department of Public Health program
  - ii. Percentage of staff time needed for the program
  - iii. 1 cycle of receipts annualized
  - iv. For example:
    1. Connecticut shall have approximately 530 licensees in 2016, which would be funded solely through application and reapplication fees through the administrative office.
    2. Initial applicants for licensure will pay \$350.
    3. Each licensee must renew and pay the \$175 fee bi-annually.
    4. Attrition is estimated to be 2% annually until 2020, then increase to 3%.

#### Annual Expenses

- Year 1: Income of \$185,000, Expenses \$XXX, Net Income \$XXXXXX/TBD
- Year 2: Income \$XXX,XXX, Expenses \$XXX, Net Income \$XXX
- Year 3: Income \$XXX, Expenses \$XXX, Net Income \$XXX
- Year 4: Income \$XXX, Expenses \$XXX, Net Income \$XXX
- Year 5: Income: \$XXX, Expenses \$XXX, Net Income \$XXX
- 5 Year Net Income Total: \$XXX TBD

Please see *Appendix B* for the detailed budget analysis.



## Regional and National Trend

A subcommittee of the CTABA Legislative Committee studied licensure in other states by contacting representatives of state affiliate chapters of the Association for Behavior Analysis International. The Subcommittee also investigated the issues each of those states faced throughout the licensure process. The Subcommittee presented the following findings to the CTABA Executive Council:

- Currently, 19 states have licensure in behavior analysis: Alaska, Arizona, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin.
- State licensing boards are housed in various departments including: Psychological Examiners, Allied Health and Human Services, Department of Financial Services, Board of Medicine, Department of Health, Department of Safety and Professional Services, and independent Behavior Analysis Boards.
- Representatives from each state reported that a variety of entities initiated licensure including the state affiliate chapters, legislators, other professional organizations, and private citizens.
- The Subcommittee also summarized the costs in each state. While the cost for a license is additional to costs associated with BACB certification, in most states, the annual cost for the license remained low, between \$0.00 and \$300.00 per year.
- In addition, 4 others states are actively pursuing licensure: California, Florida, Michigan and Utah, and 4 others are interested in doing so: Illinois Washington, Hawaii, and Iowa.

### Recognition of BCBA's and BCaBA's within Connecticut

At the present time, there are 3 statutes in CT that identify BCBA's as professionals who can provide Applied Behavior Analysis (ABA) in the state.

Public Act 09-115 went into effect 1/1/2010. This is an insurance regulation defining coverage for ABA for children with autism supervised by BCBA's. This statute provides the following definition:

*"ABA means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior, to produce socially significant improvement in human behavior."*

Public Act 10-175, Section 2 went into effect 7/1/2010. This is an education regulation, which requires school districts to utilize BCBA's, BCaBA's or another professional with ABA within their scope of practice to supervise Individualized Education Plans or 504 plans for children with

autism when these plans identify ABA as a necessary component of educational services. This statute provides the following definition:

*“ABA means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between the environment and behavior, to produce socially significant improvement in human behavior.”*

Public Act 11-228 went into effect 10/1/2011. This is a title protection act, which makes it a felony offense punishable by fines and prison time up to 5 years per offense if someone misrepresents himself or herself as a BCBA/BCaBA. This statute defines the BACB, BCBA’s and BCaBA’s as follows:

- 1) *“Behavior Analyst Certification Board” means the nonprofit corporation established to meet the professional credentialing needs of behavior analysts, governments and consumers of behavior analysis services and accredited by the National Council for Certifying Agencies in Washington, D. C., or any successor national accreditation organization;*
- 2) *“Board certified behavior analyst (BCBA)” means a person who has been certified as a behavior analyst by the Behavior Analyst Certification Board; and*
- 3) *“Board certified assistant behavior analyst (BCABA)” means a person who has been certified as an assistant behavior analyst by the Behavior Analyst Certification Board.”*

HB 5537 is awaiting the Governor's signature. It restates the ability of BCBA’s and BCaBA’s to provide ABA services as follows:

*“Sec. 42. Section 20-413 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage): Nothing in this chapter shall be construed as prohibiting... (6) The provision of applied behavior analysis services in accordance with section 10-76ii.”*

#### Licensing of BCBA’s and BCaBA’s in Other States

As of May 2014, there are 19 states that license or certify behavior analysts (Alaska, Alabama, Arizona, Kansas Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee Virginia and Wisconsin), and two additional states that currently rely on the BACB certification process (Florida and West Virginia). There are 2 other states that have licensure legislation pending (Florida, and Michigan).

Each of those 19 states, as well as the other 2 states in the process of seeking licensure specifically references the BACB credentials and/or the BACB standards.

### Alabama Scope of Practice

The practice of behavior analysis includes all of the following:

- 1) The empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis.
- 2) Interventions based on scientific research and the direct observation and measurement of behavior and environment, which utilize contextual factors, establishing operations, antecedent stimuli, positive reinforcement, and other consequences to help individuals develop new behaviors, increase or decrease existing behaviors, and elicit behaviors under specific environmental conditions.

The practice of behavior analysis does not include psychological testing, psychotherapy, cognitive therapy, sex therapy, psychoanalysis or hypnotherapy, or long-term counseling as treatment modalities. The practice of behavior analysis does not include preventing or alleviating or curing of diseases or injuries.

### Alaska Scope of Practice

"Behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior, the empirical identification of functional relations between behavior and environmental factors, and the utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and engage in behaviors under specific environmental conditions; "behavior analysis" does not include psychological testing, diagnosis of a mental or physical disorder, or the practice of neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, or long-term counseling.

### Arizona Scope of Practice

"Behavior analysis" means the design, implementation and evaluation of systematic environmental modifications by a behavior analyst to produce socially significant improvements in human behavior based on the principles of behavior identified through the experimental analysis of behavior. Behavior analysis does not include cognitive therapies or psychological testing, neuropsychology, psychotherapy, sex therapy, psychoanalysis, hypnotherapy and long-term counseling as treatment modalities.

"Behavior analysis services" means the use of behavior analysis to assist a person to learn new behavior, increase existing behavior, reduce existing behavior and emit behavior under precise environmental conditions. Behavior analysis includes behavioral programming and behavioral programs.

#### Kentucky Scope of Practice

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior;

"Applied behavior analysis interventions" means interventions that are based on scientific research and the direct observation and measurement of behavior and environment which utilize contextual factors, establishing operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and elicit behaviors under specific environmental conditions;

#### Kansas Scope of Practice

"Applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior.

#### Louisiana Scope of Practice

"Applied behavior analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications by a behavior analyst, to produce socially significant improvements in behavior.

#### Maryland Scope of Practice

"Practice of Behavior Analysis" includes:

- (1) The empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis; and
- (2) Interventions based on scientific research and the direct observation and measurement of behavior and Environment.
- (3) "Practice of Behavior Analysis" does not include psychological testing, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis or hypnotherapy, or long-term counseling, or any subdiscipline of psychology as treatment modalities.

### Massachusetts Scope of Practice

“Scope of practice of applied behavior analysis”, the design, implementation and evaluation of systematic instructional and environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvements in human behavior, including the direct observation and measurement of behavior and the environment, the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, and the introduction of interventions based on scientific research and which utilize contextual factors, antecedent stimuli, positive reinforcement and other consequences to develop new behaviors, increase or decrease existing behaviors and elicit behaviors under specific environmental conditions that are delivered to individuals and groups of individuals; provided, that such practice of applied behavior analysis shall only be conducted upon referral from a licensed mental health or medical professional whose scope of practice includes diagnosis and evaluation; and provided further, that “scope of practice of applied behavior analysis” shall not include psychological testing, neuropsychology, diagnosis of mental health or developmental conditions, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, psychopharmacological recommendations, hypnotherapy or academic teaching by college or university faculty.

### Missouri Scope of Practice

"Applied behavior analysis", the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior. Applied behavior analysis does not include cognitive therapies or psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, and long-term counseling as treatment modalities.

### Nevada Scope of Practice

“Practice of applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior. The term includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst or autism behavior interventionist.

### New York Scope of Practice

Practice of applied behavior analysis means “the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior... for the purpose of providing behavioral health treatment for persons with autism, autism spectrum disorders and related disorders.”

### North Dakota Scope of Practice

"Practice of applied behavior analysis":

a. Means the application of the principles, methods, and procedures of the experimental analysis of behavior and applied behavior analysis, including principles of operant and respondent learning. The term includes applications of those principles, methods, and procedures to:

- 1) Design, supervise, evaluate, and modify treatment programs to change the behavior of individuals diagnosed with an autism spectrum disorder;
- 2) Design, supervise, evaluate, and modify treatment programs to change the behavior of individuals;
- 3) Design, supervise, evaluate, and modify treatment programs to change the behavior of groups; and
- 4) Consult with individuals and organizations.

b. The term does not include diagnosis, counseling, psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, family therapy coordination of care, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

### Ohio Scope of Practice

"Practice of applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior and includes the following:

- a) The empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis;
- b) Interventions based on scientific research and the direct observation and measurement of behavior and the environment;

- c) Utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

"Practice of applied behavior analysis" does not include psychological testing, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

#### Oklahoma Scope of Practice

"Applied behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior through skill acquisition and the reduction of problematic behavior.

#### Oregon Scope of Practice

"Applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce significant improvement in human social behavior, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior. The practice of applied behavior analysis expressly excludes psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy and long-term counseling as treatment modalities.

#### Rhode Island Scope of Practice

"Practice of applied behavior analysis" means the design, implementation and evaluation of environmental modifications by a behavior analyst to produce socially significant improvements in human behavior. It includes the empirical identification of functional relations between environment and behavior, known as functional assessment and analysis. Applied behavior analysis interventions are based on scientific research and the direct observation and measurement of behavior and environment. They utilize contextual factors, establishing operations, antecedent stimuli, positive reinforcement and other consequences to help people develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions. The practice of applied behavior analysis expressly excludes psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities. Such services are provided by a person licensed under this chapter only when applied behavior analysis

services are prescribed by a child psychiatrist, a behavioral developmental pediatrician, a child neurologist or a licensed psychologist with training in child psychology pursuant to section 27-20.11-4.

#### Tennessee Scope of Practice

The “practice of applied behavior analysis” as the design, implementation, and evaluation of environmental modifications by a behavior analyst to produce socially significant improvements in human behavior.

#### Virginia Scope of Practice

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

#### Wisconsin Scope of Practice

"Behavior analyst" means a person who is certified by the Behavior Analyst Certification Board, Inc., as a board-certified behavior analyst and has been granted a license under this subchapter to engage in the practice of behavior analysis.

"Practice of behavior analysis" means the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvements in human behavior, including the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, including interventions based on scientific research and the direct observation and measurement of behavior and environment. "Practice of behavior analysis" does not include psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, marriage counseling, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

No person may use the title "behavior analyst" or represent or imply that he or she is a behavior analyst unless the person is licensed under this subchapter. This section may not be construed to restrict the practice of behavior analysis by a licensed professional who is not a behavior analyst, if the services performed are within the scope of the professional's practice and are performed commensurate with the professional's training and experience, and the professional does not represent that he or she is a behavior analyst.



## Other Related Legislation

Other than Connecticut, there are at least 34 other states that have passed insurance legislation that covers ABA, the majority of which identifies BCBA's as appropriate providers, and at least 10 other states that have legislation pending. Like Connecticut, Indiana has a Title Act protecting BCBA's.

## **Affect to Other Health Care Professions**

It can be reasonably assumed that licensed psychologist and school psychologist, as well as special education teachers, occupational therapists, speech and language therapists, parents of children with autism and other disabilities, parent advocates, private school administrators, and college and university professors who teach courses in behavior analysis, will want to participate in the dialogue regarding potential licensure of BCBA's and BCaBA's. However, we would recommend the following exceptions, as suggested by the proposed licensure act to protect the scope of practice of other professional disciplines:

- Other licensed professionals who have behavior analysis within their scope of practice, as long as they do not represent themselves as a behavior analyst.
- A matriculated graduate student or postdoctoral fellow w/ ABA in their course of study, practicums, etc. as long as supervised by a LBA.
- An unlicensed person pursuing ABA experience toward certification and licensure, as long as supervised by Licensed Behavior Analyst.

An instructor in a BACB approved Behavior Analyst Certification course sequence, who meets or exceeds the BACB supervision requirements.

## **How Request relates to the Health Care Profession's Ability to Practice to Full Extent of Profession**

Licensure would additionally help behavior analysts to practice to the full extent of our profession.

*This Scope of Practice paper was approved by CTABA Executive Council after a vote for approval by the CTABA Executive Council on June 30, 2014, and has been submitted to the Department of Public Health for the State of Connecticut by Solandy Forte, President of CTABA, on behalf of the CTABA Executive Council.*

***Solandy Forte***

CTABA President

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## Resources

Association of Professional Behavior Analyst (2009). Position statement on licensure. (available at [www.apbahome.net](http://www.apbahome.net))

Behavior Analysis Certification Board, Inc. (2012). Model act for licensing/regulating behavior analysts. (available at [www.BACB.com](http://www.BACB.com))

Green, G. (2011). How to evaluate alternative credentials in behavior analysis. *APBA Reporter* #31. (available at [www.apbahome.net](http://www.apbahome.net) )