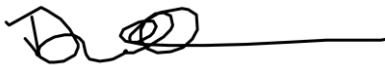


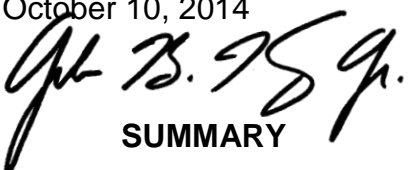


**TO:** The Professional Practice Committee

**FROM:** Douglas E. Lentivech 

**SUBJECT:** Update on the Profession of Applied Behavior Analysis

**DATE:** October 10, 2014

**AUTHORIZATION(S):**   
SUMMARY

### **Issue for Discussion**

This item provides general information regarding the new profession of applied behavior analysis and a status update on the Department's progress in implementing the statutory requirements for it.

### **Reason for Consideration**

For information and discussion.

### **Proposed Handling**

This item is submitted for information and discussion at the October 2014 meeting of the Professional Practice Committee.

### **Background Information**

Chapter 554 of the Laws of 2013 amended the Education Law by adding Article 167, which establishes and defines the practice of the profession of applied behavior analysis.

Pursuant to Chapter 554, the purpose of ABA is to provide behavioral health treatment for persons with autism and autism spectrum disorders and related disorders. Chapter 554 defines the practice of a licensed behavior analyst as involving the design, implementation and evaluation of environmental modifications, using behavior stimuli and consequences, to produce socially significant improvement in human behavior. A licensed behavior analyst's practice also includes the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior, pursuant to an order from a person who is licensed or otherwise authorized to provide such an order pursuant to Title VIII of the Education Law. Chapter 554 also

defines the practice of a certified behavior analyst assistant as involving the provision of services and activities by a person who works under the supervision of a licensed behavior analyst. A certified behavior analyst assistant performs the patient related ABA tasks that are assigned to him or her by the supervising licensed behavior analyst.

Chapters 595 and 596 of the Laws of 2011 required health insurance policies to provide coverage for the behavioral health treatment for persons with autism and autism spectrum disorders and related disorders; such treatment includes the services and activities of applied behavior analysis. Thus, the Legislature determined that providing for the licensure of behavior analysts and certification of applied behavior analyst assistants was necessary in order to fulfill the above-referenced health insurance coverage commitments and to provide needed services to many individuals who previously had no coverage.

Chapter 554 establishes the education, experience, examination, age, moral character and fee requirements for applicants seeking licensure as a licensed behavior analyst or certification as a certified behavior analyst assistant. It also provides a grandparenting licensure/certification pathway, which the Department is referring to as Pathway One, for individuals who are certified or registered by a national certifying body and submit an attestation of moral character and an application to the Department within two years of the January 10, 2014 effective date of this provision of the statute. Although Pathway One will expire on January 9, 2016, the licenses and certifications issued under it will not.

Chapter 554 limits the practice of ABA to licensed behavior analysts, certified behavior analyst assistants and exempt persons and limits the use of the title “licensed behavior analyst” and “certified behavior analyst assistant” to individuals licensed or certified under Article 167 of the Education Law.

Additionally, Chapter 554 establishes exemptions from the licensure and certification requirements for chartered elementary or secondary schools such as approved private schools serving students with disabilities (853 schools), state supported schools (4201 schools) and special act school districts. It further establishes time-limited exemptions for specified state agencies.

With the exception of the Pathway One licensure provisions described above, which became effective January 10, 2014, all the Education Law provisions of Chapters 554 became effective July 1, 2014.

### **Update on the Implementation of ABA**

In June 2014, the Department launched a website for the ABA profession. This website contains, among other things, the ABA statute, information regarding the licensure/certification requirements, application forms and frequently asked questions.

As of late September 2014, the Department had received 432 applications (54 from out-of-state) for licensure as a licensed behavior analyst and has issued 402 licenses. During this same time period, the Department received 11 applications for certification as a certified behavior analyst assistant and has issued nine certifications.

At the September 2014 meeting of the Board of Regents, board members were appointed to the ABA State Board. The first meeting of the ABA State Board was held on October 3, 2014. It is anticipated that regulations to further implement the ABA profession will be presented to the Professional Practice Committee for recommendation and to the Full Board for emergency action at either the November or December 2014 Regents meeting.