



MEMORANDUM

DATE	September 22, 2014
TO	ABA Task Force Members
FROM	Jonathan Burke Administrative Services Coordinator
SUBJECT	Regulation of ABA Practitioners in Other States

The below information was taken from the 2015 Sunrise Application submitted to the Senate Business, Professions, and Economic Development Committee (Senate BPE). This item is informational and there is no action requested of the Task Force Members.

At this writing, 17 states have adopted laws requiring practitioners of ABA to be licensed, certified, or registered by the state. All of the laws and the regulations for implementing them that have been developed to date are based predominantly on the BACB's model act for regulating the practice of ABA, with BACB certification the foundational requirement for obtaining the state-issued credential(s). Although some of the state entities that regulate the practice of ABA also regulate other professions, it is important to note that in all 17 states behavior analysts are licensed, certified, or registered in their own right, not as members of other professions. The table that follows summarizes those laws.

State Regulation of Behavior Analysts as of May 6, 2014

State	Behavior Analyst (advanced degrees)	Asst Behavior Analyst (BA/BS)	Technician	BACB certifiants qualify	Others may qualify	Regulatory board	Law adopted
AL*	L	L	NA	Y	N	BehAn	2014
AZ	L	NA	NA	Y ¹	Y	Psych	2010
KS*	L	L	NA	Y	?	BSRB	2014
KY	L	L	NA	Y	N	BehAn	2010
LA	L	C	R	Y	Y	BehAn	2013
MA*	L	L	NA	Y	Y	AMHHSP	2013
MD*	L	NA	NA	Y	?	BPCT	2014
MO	L	L	NA	Y	N	Psych	2010
ND	L	R	NA	Y	Y	Psych	2011
NV	L	L	C ²	Y	N	Psych	2009
NY*	L	C	NA	Y	?	BehAn	2014
OH	C	NA	NA	Y	?	Psych	2013
OK	L	C	NA	Y	N	BehAn	2009
OR*	L	L	R	Y	Y	BehAn	2013
RI	L	L	NA	Y	Y	BehAn	2012
VA	L	L	NA	Y	N	Medicine	2012
WI	L	NA	NA	Y	N	None ³	2010

*Regulations to be developed or finalized; no state credentials issued yet

BACB = Behavior Analyst Certification Board, Inc.

L = license; C = state certification; R = registration; NA = Not applicable

BehAn = Behavior Analysis; Psych = Psychology; BSRB = Behavioral Sciences Regulatory Board; AMHHSP = Allied Mental Health & Human Service Professionals; BPCT = Board of Professional Counselors & Therapists

¹ = Board Certified Behavior Analyst with 1500 hrs supervised experience

² = "Certified Autism Behavior Interventionist"

³ = Direct license issued by Dept. of Safety & Professional Services

Figure 5. Laws regulating the practice of ABA (source: Association of Professional Behavior Analysts)

To date, 37 states have passed legislation similar to SB 946 requiring private health plans to cover treatments for autism spectrum disorders, including ABA (see Figure 6 below). As mentioned above 17 of those states regulate Behavior Analysts through state licensure, certification or registration. In all of the other states BCBA's (and in some, BCaBA's supervised by BCBA's) are recognized as qualified providers and reimbursed by health plans. The BACB

credentials are also recognized in other types of laws in many states (e.g., Medicaid rules, developmental disabilities services and special education codes).

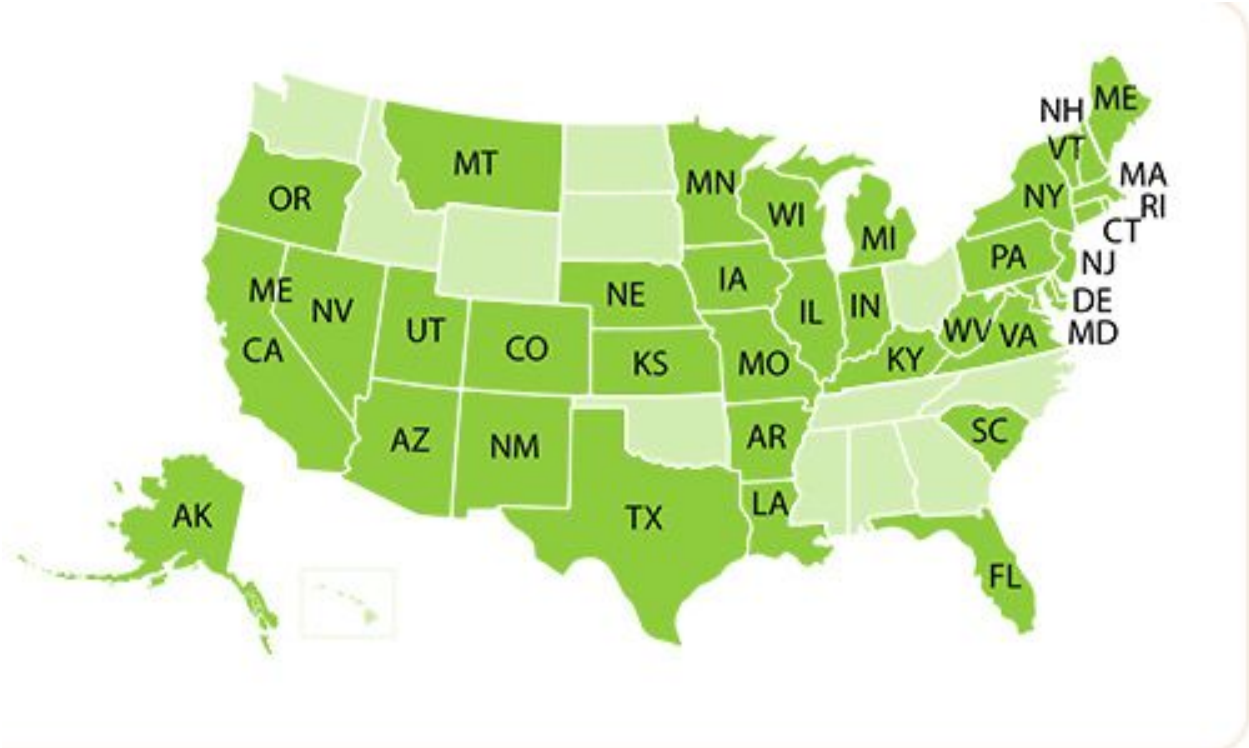


Figure 6 – Adapted from Autism Speaks