



August 21, 2015

The Honorable Patricia C. Bates
California State Senate
State Capitol, Room 4048
Sacramento, CA 95814

**RE: SB 479 (BATES) – HEALING ARTS: BEHAVIOR ANALYSIS LICENSING
OPPOSE UNLESS AMENDED**

Dear Senator Bates:

At its August 14, 2015 meeting, the Board of Psychology (Board) adopted an **oppose unless amended** position on SB 479 (Bates). The bill would create two new licensure and one new registration categories for Behavior Analysis under the authority and jurisdiction of the Board.

The Board supports and agrees with author's intention to regulate the discipline of Applied Behavior Analysis (ABA) under jurisdiction of the Board. However, the Board has identified some significant concerns with the proposed language:

The Board requests the deletion of the exemption for individuals vendorized through the regional centers in Proposed Section BPC 2999.37 (g). A key component of the consumer protection mandate of the Board is the jurisdiction the Board has over an individual's license to ensure minimal competency. Exempting an entire category from licensure because of their relationship to the regional centers potentially places a large number of ABA practitioners beyond the Board's jurisdiction and does not ensure minimal competency of these individuals. The Board is aware of concerns regarding access to care. However, if the legislature believes minimum standards of competency must be obtained by an individual to provide ABA services to the public, the threshold for such services should not be determined by one's financial status or insurance. Californians should be confident that ABA services are being given by a trained, ethical individual free of criminal history. Additionally, financially disadvantaged individuals should not be deprived of the ability to pursue administrative action if there is a deviation from the standard of care.

The Board requests an amendment to the exemption of family members in Proposed Section BPC 2999.37 (d). The Board does not initiate actions against parent or legal guardians who administer treatment on a child as prescribed by the licensee as part the child's therapy. However, the Board agrees that a parent, guardian, or a designee of a licensed professional should be able to provide behavior analytic services under the direction of that licensed professional. The Board's proposed language expands upon the existing exemption as follows;

BPC 2999.37(d). A parent, guardian, or his or her designee, of a recipient of applied behavior analysis services who acts under the direction acting per the direction of a licensed behavior analyst, or licensed assistant behavior or individuals exempt per 2999.37(a-b) for that recipient.

The Board's mission is to advance quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the profession.

If you have any questions or concerns, please feel free to contact the Board's Executive Officer, Antonette Sorrick, at (916) 574-7113. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Erickson". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping underline.

MICHAEL ERICKSON, PH.D.
President, Board of Psychology