

Behavior Analyst Certification Board, Inc. ®

Introduction to the BACB® Model Act for Licensing Behavior Analysts

February 2009

The Behavior Analyst Certification Board's (BACB) model behavior analyst licensing act is based on BACB professional certifications. BACB credentials were designed for this purpose, and have several characteristics that support their use as the basis for licensure, such as:

- The BACB certification programs were originally developed and operated by the State of Florida, and then transferred to the BACB under a special agreement.
- The BCBA® and BCaBA® credentials are accredited by the National Commission for Certifying Agencies, the accreditation arm of the National Organization for Competency Assurance, which indicates that BACB accredited credentials have been reviewed by a panel of impartial experts that has determined they met the stringent standards of NCCA.
- The BACB requires that certificants maintain their credentials by obtaining continuing education units, in a variety of formats, and providing documentation to the BACB.
- The BACB enforces its Professional Disciplinary Standards with all certificants, and provides the BACB Guidelines for Responsible Conduct for Behavior Analysts to help guide their professional behavior. The BACB relies heavily on state investigations and findings in enforcing its Professional Disciplinary Standards.
- Implementing a BACB-based license can be virtually cost-neutral for the state*. Initial credentialing, maintenance of the credential (through continuing education), and disciplinary matters are handled by the BACB and paid for via annual BACB certificant fees.
- Should the state choose to allocate the resources necessary to form its own licensing board to augment the BACB disciplinary process, the BACB will work with the board to help ensure a coordinated process.
- Because state requirements for licensure are the same as BACB requirements for certification, out-of-state BACB certificants can be attracted to the state and be easily licensed or granted reciprocity.

However, even with the use of BACB-based licensure the process of developing behavior analyst licensure in a state is complicated, political, and often divisive. The BACB recommends that alternative measures of achieving the desired outcome be considered before the process of creating licensure is undertaken. For example, it may be possible to insert "Board Certified Behavior Analyst®" (BCBA) and "Board Certified Assistant Behavior Analyst®" (BCaBA) into an existing law or rule as individuals who may practice, and be reimbursed for, providing applied behavior analysis services. The BACB stands ready to work with states to develop and implement the most appropriate public policy strategy.

*In this context "state" includes Province, Country or other jurisdiction responsible for credentialing.

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A. Declaration of Policy

The practice of applied behavior analysis in [name of state or province] is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation to protect the public from the practice of applied behavior analysis by unqualified persons and from unprofessional conduct by persons licensed to practice applied behavior analysis.

B. Definitions

1. “Board” means the [name of state or province] Behavior Analyst Licensing Board.
2. “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 human behavior. It includes the empirical identification of functional relations between behavior and environmental factors, 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.
3. The practice of applied behavior analysis is defined as 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) to assess and improve socially important human behaviors. It includes, but is not limited to, applications of those principles, methods, and procedures to (a) the design, implementation, evaluation, and modification of treatment programs to change behavior of individuals; (b) the design, implementation, evaluation, and modification of treatment programs to change behavior of groups; and (c) consultation to individuals and organizations. The practice of behavior analysis expressly excludes psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.
4. “Licensed Behavior Analyst” means an individual who is certified by the Behavior Analyst Certification Board as a Board Certified Behavior Analyst and meets the criteria below.
5. “Licensed Assistant Behavior Analyst” means an individual who is certified by the Behavior Analyst Certification Board as a Board Certified Assistant Behavior Analyst and meets the criteria below. Licensed Assistant Behavior Analysts must work under the supervision of Licensed Behavior Analysts.

C. Requirements for Licensure

1. Each person desiring to obtain a license as a Licensed Behavior Analyst shall make application to the Behavior Analyst Licensing Board upon such form and in such manner as the Board shall prescribe and shall furnish evidence to the Board that such person:

(a) is of good moral character;

(b) has passed the examination and is certified as a Board Certified Behavior Analyst;

(c) maintains active status and fulfills all requirements for renewal and recertification with the Behavior Analyst Certification Board as a Board Certified Behavior Analyst (BCBA); and

(d) conducts his or her professional activities in accordance with accepted standards, such as the Guidelines for Responsible Conduct for Behavior Analysts© and Professional Disciplinary Standards of the Behavior Analyst Certification Board.

2. Each person desiring to obtain a license as an Licensed Assistant Behavior Analyst shall make application to the Behavior Analyst Licensing Board upon such form and in such manner as the Board shall prescribe and shall furnish evidence to the Board that such person:

(a) is of good moral character;

(b) has passed the examination and is certified as a Board Certified Assistant Behavior Analyst (BCaBA);

(c) maintains active status and fulfills all requirements for renewal and recertification with the Behavior Analyst Certification Board as a Board Certified Assistant Behavior Analyst;

(d) conducts his or her professional activities in accordance with accepted standards, such as the Guidelines for Responsible Conduct© and Professional Disciplinary Standards of the Behavior Analyst Certification Board; and

(e) is supervised by a Licensed Behavior Analyst in a manner consistent with the Behavior Analyst Certification Board requirements for supervision of Board Certified Assistant Behavior Analysts.

3. No persons shall hold themselves out to be Licensed Behavior Analysts or Licensed Assistant Behavior Analysts unless they meet the applicable requirements. Violation of this section shall be punishable by a fine of not more than [X] and/or by the suspension or loss of any license held by the violator.

4. No persons shall practice applied behavior analysis unless they are Licensed Behavior Analysts or Licensed Assistant Behavior Analysts working under the supervision of Licensed Behavior Analysts. Violation of this section shall be punishable by a fine of not more than [X] and/or by the suspension or loss of any license held by the violator.

D. Behavior Analyst Licensing Board

1. The [name of state or province] Behavior Analyst Licensing Board is hereby created.

(a) The Behavior Analyst Licensing Board shall consist of two Licensed Behavior Analysts, one Licensed Assistant Behavior Analyst, and one consumer representative holding neither license, all appointed by the duly constituted appointing authority in [name of state or province]. Board members shall be appointed who are free from conflicts of interest in performing the duties of the Board.

(b) The Behavior Analyst Licensing Board is authorized to license as Licensed Behavior Analysts and Licensed Assistant Behavior Analysts persons who meet the requirements for licensure specified in Section C, and to charge reasonable fees for licenses, not to exceed the costs of operating the Board.

(c). The Behavior Analyst Licensing Board shall investigate all complaints relating to the practice of applied behavior analysis by any Licensed Behavior Analyst or Licensed Assistant Behavior Analyst, and shall share its findings with the Behavior Analyst Certification Board®.

**APBA Endorses BACB Model Licensing Act,
Adopts Position Statement on Licensure**

Jon Bailey, APBA President
Gina Green, APBA Executive Director

As many readers know, issues around credentialing practitioners of applied behavior analysis are being discussed and debated in several quarters. Those issues are complex, can be confusing, and are relatively new to many people in our field. That seems particularly true of the topic of licensing applied behavior analysts, judging by the questions we receive from constituents and our experience in the public policy arena. We are therefore pleased to announce that after careful deliberation, the APBA Board of Directors has endorsed the model licensing act developed recently by the Behavior Analyst Certification Board (BACB). Additionally, the APBA Board has adopted a position statement on licensure. Both of those documents are unveiled in this issue of the Reporter. We encourage you to read them, think about them, and share them with other interested parties.