



POSITION STATEMENT ON GOVERNMENT REGULATION OF PRACTICE

Association of Professional Behavior Analysts

www.apbahome.net

January 2014

Interest in government regulation of the practice of applied behavior analysis (ABA) has increased in recent years. The position of the Association of Professional Behavior Analysts (APBA) on licensure and other forms of government regulation is based on its analysis of the needs of ABA practitioners and consumers, experience with public policies affecting the practice of ABA and various forms of government regulation of practice, and analysis of the potential benefits and risks of government regulation for ABA practitioners and consumers.

Government regulation of professional practice

- In the United States, statutes (laws) requiring government-issued credentials to practice professions are typically adopted by state legislatures. In other countries they may be adopted by provincial or federal governments.
- Common types of government-issued professional credentials are registrations, certifications, and licenses.
- Statutes may specify requirements for obtaining a government-issued credential in order to use a particular title (a title act) and/or to practice a profession (a practice act).
- Statutes may also authorize a regulatory body (e.g., a state licensing board) to develop regulations or rules for implementing the statute, set fees for obtaining and renewing the government-issued credential, determine who can practice, and oversee practice.
- For some professions, certifications issued by independent national or international credentialing bodies (e.g., the Behavior Analyst Certification Board) are a qualification for obtaining government-issued credentials, such as state licenses. For others, certification is obtained post-licensure to document competence in a specialty area.

Potential benefits of government regulation

- Statutes and regulations may mandate that ABA services be provided only by individuals who hold a government-issued credential.
- Government regulation may
 - protect ABA practitioners' right to practice from intrusion by other professions.
 - help ABA practitioners qualify for third-party payments for services (but a national or international certification may suffice, and other types of laws and regulations typically govern third-party payments).
 - afford ABA practitioners parity with other professions.
 - provide for enforcement of standards of professional practice by government regulatory bodies (e.g., licensing boards) to protect
 - consumers
 - the integrity of the profession

Risks of pursuing government regulation

- Obtaining a statute to regulate professional practice is a complex, resource-intensive political process. Ideally, the legislative effort should be led by an autonomous local (e.g., state or provincial) behavior analysis organization supported by a national or international organization that has public policy experience. Even then, the legislative process may yield unsatisfactory outcomes, and may leave ABA practitioners worse off than before.
- Other interest groups may oppose policy initiatives by behavior analysts and create statutes and regulations that impose undesirable restrictions on the practice of ABA.
- Government regulatory boards may not include people who are trained in ABA.
- Fees may be relatively high.
- Statutes and the regulations or rules to implement them will vary across jurisdictions, which may limit portability of government-issued credentials.

The Association of Professional Behavior Analysts recommends that

- **Behavior analysts should evaluate carefully whether government regulation of the practice of ABA is desirable and feasible in their jurisdiction and if so, what form of regulation will best serve ABA practitioners and consumers.**
- **If government regulation of the practice of ABA is necessary or desirable, statutes and regulations/rules should be based on the Behavior Analyst Certification Board (BACB) Model Act for Licensing/Regulating Behavior Analysts (see <http://www.bacb.com>). That model act**
 - **proposes to make BACB certification the foundational requirement for a government-issued license or other professional credential. This has several benefits:**
 - **It ensures that those who hold the credential have met standards derived from job analysis studies involving professional behavior analysts, and have passed a psychometrically valid and reliable professional examination in the subject matter.**
 - **The BACB verifies that applicants for the credential have met degree, coursework, and supervised experiential training requirements set by the profession and manages the professional examination. That saves labor and money for the government regulatory body.**
 - **proposes to establish an independent regulatory body (e.g., a behavior analyst licensing board), which can ensure that the practice of ABA is regulated by behavior analysts rather than members of other professions.**