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## Licensed Behavior Analyst



Michael F. Dorsey<sup>1</sup>, Gordon Bourland<sup>2</sup>,  
Grant Gautreaux<sup>3</sup> and John W. Scibak<sup>4</sup>

<sup>1</sup>Amego Inc., The Best Clinical Network,  
Attleboro, MA, USA

<sup>2</sup>Trinity Behavioral Associates, Arlington, TX,  
USA

<sup>3</sup>Nicholls State University, Thibodaux, LA, USA

<sup>4</sup>State Representative, Commonwealth of  
Massachusetts, South Hadley, MA, USA

A “Professional License” is based on the legal permission of a governmental agency to engage in a regulated activity. Regulated activities for professional licensure are generally a specified set of behaviors that define or belong to a profession, often articulated within the “scope of practice” of that profession found in the legislation developed to create such a license standard. The overarching purpose of licensure is to protect the public by requiring minimum standards to engage in a profession and by informing the public who has met those standards. Mandatory governmental regulations are designed to protect consumers from inadequately trained and unethical practitioners and give consumers legal recourse should malpractice occur. For professions that require specialized education and training, licensure establishes legally enforceable standards that restrict practice to qualified individuals who have met specific qualifications in education and

supervised work experience and have passed a formal examination process.

The requirements for licensure vary across states. Licensing laws generally include provisions to restrict the use of the professional title (e.g., “Applied Behavior Analyst”) to licensees or restrict non-licensed individuals from performing activities that are included within the licensing law’s scope of practice. Some state laws regulate both the title and the practice (e.g., Kentucky, Texas). A licensed behavior analyst is a person who has met the minimum requirements specified in the state’s licensure law and has been issued a license by the governing body, allowing them to engage in behavior analytic activities specified in the licensure law. The purpose of licensure is to protect consumers by restricting practice to individuals who have met specific qualifications as determined by the issuing entity. Licensing laws typically include civil or criminal penalties for the unlicensed use of regulated titles or engaging in the practice of the profession without a license. Licensure laws may also include specified ethical and professional standards and give governing boards the authority to suspend, place on probation, or revoke licenses if licensees have been found in violation of those standards.

Although licensure is common for many professions (e.g., medicine, nursing, K–12 education), licensure of behavior analysts is a fairly recent phenomenon, with Massachusetts, in 2008, being the first state to file a bill to license applied behavior analysts. Pennsylvania enacted

the first law in 2008, followed by Nevada and Oklahoma in 2009. To date, 28 states have created statutory provisions for licensure of applied behavior analysts. At present almost all licenses for behavior analysts are issued by the states in the United States.

While the criteria for licensure of behavior analysts vary substantially, virtually all states have articulated specific minimum requirements in education and supervised work experience as well as achieving a passing score on a formal examination. A number of states require that applicants meet the criteria for attaining certification as a Board Certified Behavior Analyst (BCBA<sup>®</sup>) as required by the Behavior Analysis Certification Board<sup>®</sup>, while other states do not require this certification or have adopted more stringent standards. Some state statutes also regulate paraprofessional providers of behavior analysis services. Finally, the behavior analyst licensing statutes typically include exemptions for certain individuals (e.g., family members, academic faculty, and students) or for members of certain professions who might engage in behavior analytic activities within the scope of practice within their discipline (e.g., speech and language pathologists).

Because of the variability with respect to eligibility for licensure, states also differ in terms of reciprocity of licensure and ability to practice. Although some states do not currently license behavior analysts, they may have statutory regulations which prohibit individuals from utilizing the title “behavior analyst” without BCBA<sup>®</sup> certification (Connecticut). In addition, some third party payers may require licensure or certification for full reimbursement of services even if the state does not require practitioners to possess the credential.

In addition to identifying titles and activities that will be regulated, licensure laws also identify which entity will be responsible for overseeing the provisions of the law. The governing entity may

be a board or a committee that operates independently or under the oversight of an existing board. Licensure laws also specify who will be a member of the board or committee. The governmental entity and members administering licensure of behavior analysts also vary across states. A few states have independent behavior analyst licensing boards (e.g., Louisiana, Kentucky), while other states have boards that regulate several different professions (e.g., Texas, Massachusetts), and others rely on a specially constituted committee that operates under the licensing board of another profession such as psychology (e.g., Missouri, Ohio).

A final component of licensure laws worth noting is exemptions; identifying certain individuals that are not required to be licensed. These exemptions vary from state to state but are generally centered on a few considerations. Since the licensure of behavior analysts is relatively new to the occupational regulation landscape, it is possible that other disciplines already include behavior analysis in their scope of practice. If this is the case, generally those professionals are exempted from being licensed as behavior analysts if they are already licensed as another type of professional. In addition, individuals who may practice behavior analysis with animals or organizations, academics who teach behavior analysis courses, and students of behavior analysis are also typically exempt from licensure laws.

Despite the variations in title and practice regulation, requirements for licensure of behavior analysts, governing entities, and exemptions across states, each of these efforts has been implemented to protect consumers of behavior analytic services. Restricting the practice of behavior analysis to qualified individuals, creating legally enforceable standards, ensuring behavior analytic practitioners meet minimum standards of competence and ethical behavior, and giving consumers the right to legal recourse are a few of the benefits of the licensure of behavior analysts.

1. Amego Inc. The Best Clinical Network A ttleboro USA
2. Trinity Behavioral Associates Arlington USA
3. Nicholls State University Thibodaux U SA
4. State Representative Commonwealth of Massachusetts South Hadley USA