

MEMO OF SUPPORT

A.10454 (Rules, Glick)/S.9402 (Stavisky)

05/27/2022

The New York State Association for Behavior Analysis (NYSABA) strongly supports A.10454 (Rules, Glick)/S.9402 (Stavisky), which would allow for behavior analysts who meet national certification standards to be licensed in New York and provide protection for recent graduates to lawfully collect their necessary supervision hours to meet the national standards. The Behavior Analyst Certification Board (BACB) is the national certifying body for behavior analysts and consistently updates its standards to reflect the current research and practice in the field. The profession of behavior analysis is one of the youngest professions in New York and is still a relatively young profession worldwide. The profession is systematically moving towards accreditation through the Association for Behavior Analysis International (ABAI), which is projected to be effective in 2032. In New York in 2014, during the initial introduction of the profession, an applicant was able to be licensed if they held an active credential from the BACB. This was, and still is, the standard for the profession across the world. The period of “grandparenting” in BACB certificants ended in 2016 when NYS introduced its own set of education and experience standards to sit for NYS examination. The NYS examination was contracted through the BACB but separate from their board certification process.

Since 2014, and until Chapter 818 of 2021 becomes active in June of 2023, the practice of behavior analysis in NY has been restricted to a single diagnosis. This single diagnostic restriction is unique to NY and does not exist anywhere else in the world. After the “grandparenting” period ended in 2016, prospective NY behavior analysts effectively had to follow two separate pathways if they chose to be board certified and licensed in NY. Up until January of 2022, the differences in the education and experience in NY was negligible and deemed by the BACB to be similar enough to ensure NY students were adequately prepared to take the national examination. In January 2022, however, the requirements and examination changed significantly and therefore NY was no longer in line with the best practice standards of the field. While most universities and colleges in NY have already changed their standards to meet the new requirements set forth by the BACB, this process has and continues to cause much confusion for students, colleges, and universities - as well as recent graduates. These issues, along with the scope restriction limiting who can move to NY and become licensed (due to differences in their training) have caused a severe shortage of behavior analysts in our state.

The contract between NYS and the BACB for use of an examination has ended, leaving recent graduates with no pathway to licensure. This is because the NY statute and regulations do not meet the current field standards. There are 34 states that license behavior analysts in the United States, including NY. The other 33 states all use the possession of an active BACB credential, along with application and a fee, to qualify for licensure in the state. Some states may have additional education or practice requirements, but the basic standard of a BACB credential is the same across the country. A.10454 (Rules, Glick)/S.9402 (Stavisky) aligns NYS with the 33 other states that use BACB credentials as an important part of qualifying for licensure. Following this practice in NY would allow for mobility of license from state to state, increasing the likelihood that we can recruit nearby behavior analysts to work in NY. This structure also

allows NY to align with future changes to BACB requirements, as well as upcoming educational credentialing requirements by ABAI, without the need for changes in statutes, regulations, or rules to comply with said changes. Additionally, this structure streamlines the processes and requirements for colleges and universities, and students, to meet one standard of education and training (i.e., BACB verified course sequence or accrediting body course sequence, in addition to any further requirements by NY). This streamlined process would unburden all, rather than forcing the parties involved to comply with the national and state standards, which would likely misalign again in the near future.

NYSABA supports the passage of A.10454 (Rules, Glick)/S.9402 (Stavisky), to preserve and grow the profession of behavior analysis in NY, which has been stifled over the past 8 years due to the scope restriction. We are grateful to the legislature and to Governor Hochul for their passage of the scope expansion bill (Chapter 818 of 2021) and signing said bill into law to be active in 2023. As a field, we find ourselves again in a position of needing to ask for your support to ensure the growth and protection of our profession in NY. We urge you to support A.10454 (Rules, Glick)/S.9402 (Stavisky) to prevent further regression of the profession of behavior analysis in NY.

Respectfully,

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