

**AN ACT CONCERNING BEHAVIOR ANALYSTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 20-185i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2017*~~2018~~):

(a) As used in this section, sections 2 to 5, inclusive, of this act and section 19a-14, as amended by this act:

(1) "Behavior Analyst Certification Board" means the nonprofit corporation established to meet the professional credentialing needs of behavior analysts, governments and consumers of behavior analysis services and accredited by the National Council for Certifying Agencies in Washington, D.C., or any successor national accreditation organization;

~~(2) "Board certified behavior analyst (BCBA)" means a person who has been certified as a behavior analyst by the Behavior Analyst Certification Board; and~~

(3) "Board certified assistant behavior analyst (BCABA)"

~~(4) "Behavior Analysis" means the design, implementation and evaluation of environmental modifications, using behavior stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between the environment and behavior, to produce socially significant improvement in human behavior, but does not include: (A) Psychological testing, (B) neuropsychology, (C) cognitive therapy, (D) sex therapy, (E) psychoanalysis, (F) hypnotherapy, (G) cognitive behavioral therapy, (H) occupational therapy, (I) speech and language therapy, and (J) long term counseling as treatment modalities.~~

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(D) sex therapy, (E) psychoanalysis, (F) hypnotherapy, (G) cognitive behavioral therapy, (H) psychotherapy, or (I) long term counseling as treatment modalities;

(3) "Behavior analyst" means a person who is licensed to practice behavior analysis under the provisions of section 3 or 4 of this act; and

(4) "Assistant behavior analyst" means a person who has been certified as an assistant behavior analyst by the Behavior Analyst Certification Board to assist in the practice of behavior analysis under the supervision of a behavior analyst.

(b) No person, unless certified by the Behavior Analyst Certification Board as a **{board certified behavior analyst or a}** board certified assistant behavior analyst, shall use in connection with his or her name or place of business: (1) The words **{ "board certified behavior analyst", "certified behavior analyst", }** "board certified assistant behavior analyst" or "certified assistant behavior analyst", (2) the letters **{ "BCBA" or }** "BCABA", or (3) any words, letters, abbreviations or insignia indicating or implying that he or she is a **{board certified behavior analyst or}** board certified assistant behavior analyst or in any way, orally, in writing, in print or by sign, directly or by implication, represent himself or herself as a **{board certified behavior analyst or}** board certified assistant behavior analyst. Any person who violates the provisions of this section shall be guilty of a class D felony. For the purposes of this section, each instance of contact or consultation with an individual which is in violation of any provision of this section shall constitute a separate offense.

(c) No person, unless licensed by this state as a behavior analyst, shall use in connection with his or her name or place of business:

(1) The words "licensed behavior analyst," or "behavior analyst",  
(2) the letters "LBA" or "BA", or 93) any words, letters,  
abbreviations or insignia indicating or implying that he or she is a

licensed behavior analyst or in any way, orally, in writing, in print or by sign, directly or by implication, represent himself or herself as licensed behavior analyst. Any person who violates the provisions of this section shall be guilty of a class D felony. For the purposes of this section, each instance of contact or consultation with an individual which is in violation of any provision of this section shall constitute a separate offense.

Sec. 2. (NEW) (*Effective January 1, 2018*~~7~~) (a) No person may practice behavior analysis unless licensed pursuant to section 3 or 4 of this act.

(b) No person may use the title "behavior analyst" or make use of any title, words, letters or abbreviations that may reasonably be confused with licensure as a behavior analyst unless such person is licensed pursuant to section 3 or 4 of this act.

(c) The provisions of this section shall not apply to a person who (1) provides behavior analysis or assists in the practice of behavior analysis while acting within the scope of practice of the person's (A) license issued by the Department of Public Health, and (B) training, provided the person does not hold himself or herself out to the public as a behavior analyst, (2) provides behavior analysis or assists in the practice of behavior analysis while acting within the scope of practice of the person's (A) certification issued by the State Board of Education, and (B) training, provided the person does not hold himself or herself out to the public as a behavior analyst, ~~license and training, provided the person does not hold himself or herself out to the public as a behavior analyst,~~ (2)(3) is a matriculated college or university student whose applied behavior analysis activities are part of a defined program of study, course, practicum, internship, or postdoctoral fellowship, provided that the applied behavior analysis activities under this exemption are directly supervised by

a licensed behavior analyst in this state, an instructor in a course sequence approved by the Behavior Analyst Certification Board, or another qualified faculty member. Such individuals must not represent themselves as professional behavior analysts and must use titles that clearly indicate their trainee status, such as "student," "intern," or "trainee." ~~is a student enrolled in a behavior analysis educational program accredited by the Behavior Analyst Certification Board, or a graduate education program in which behavior analysis is an integral part of the student's course of study and such student is performing such behavior analysis or assisting in behavior analysis under the direct supervision of a behavior analyst,~~ (3) teaches behavior analysis or conducts behavior analytic research, provided that such teaching or research does not involve the direct delivery of applied behavior analysis services; ~~is an instructor in a course approved by the Behavior Analyst Certification Board,~~ (4) is a board certified ~~a~~ assistant behavior analyst working under the supervision of a licensed behavior analyst in accordance with the standards established by the Behavior Analyst Certification Board, (5) is a person implementing ~~s-~~ an intervention based on behavior analysis under the direction and supervision of a licensed behavior analyst, or (6) is a family member, guardian or caretaker implementing a behavior analysis treatment plan under the direction and supervision of a licensed behavior analyst; (7) is pursuing supervised experience in applied behavior analysis consistent with the experience requirements of the Behavior Analyst Certification Board, provided that such experience is supervised in accordance with the requirements of that Board; (8) provides organizational behavior management services designed for the benefit of organizations and do not provide direct services to individuals.

Sec. 3. (NEW) (*Effective January 1, 2018*) (a) The Commissioner of

Public Health shall grant a license as a behavior analyst to any applicant whose ~~current certification furnishes evidence satisfactory to the commissioner that such applicant is certified as a board certified~~ behavior analyst ~~is verified with~~ by the Behavior Analyst Certification Board ~~by the commissioner~~. The commissioner shall develop and provide application forms. The application fee shall be three hundred fifty dollars.

(b) Licenses issued under this section may be renewed biennially. The fee for such renewal shall be one hundred seventy-five dollars. ~~For each applicant for renewal, Each behavior analyst applying for license renewal shall furnish evidence satisfactory to the commissioner shall verify of having~~ current certification with the Behavior Analyst Certification Board.

Sec. 4. (NEW) (*Effective January 1, 2018*) A person, who is not eligible for licensure under section 3 of this act, may apply for licensure by endorsement as a behavior analyst. Such applicant shall present evidence satisfactory to the commissioner that the applicant is licensed or certified as a behavior analyst, ~~or as a person entitled to perform similar services under a different designation~~, in another state or jurisdiction that has requirements for practicing in such capacity that are substantially similar to, or higher than, those of this state and that there are no disciplinary actions or unresolved complaints pending.

Sec. 5. (NEW) (*Effective January 1, 2018*) The Commissioner of Public Health may take any disciplinary action set forth in section 19a-17 of the general statutes against a behavior analyst for any of the following reasons: (1) Failure to conform to the accepted standards of the profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or seeking reinstatement of a license to practice behavior analysis; (4) fraud or deceit in the practice of behavior analysis; (5) negligent, incompetent or wrongful conduct in professional activities; (6) physical, mental or emotional illness

or disorder resulting in an inability to conform to the accepted standards of the profession; (7) alcohol or substance abuse; or (8) wilful falsification of entries in any hospital, patient or other record pertaining to behavior analysis. The commissioner may order a license holder to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is the subject of an investigation. The commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17 of the general statutes. The commissioner shall give notice and an opportunity to be heard on any contemplated action under section 19a-17 of the general statutes.

Sec. 6. Subsection (c) of section 19a-14 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2017*):

(c) No board shall exist for the following professions that are licensed or otherwise regulated by the Department of Public Health:

- (1) Speech and language pathologist and audiologist;
- (2) Hearing instrument specialist;
- (3) Nursing home administrator;
- (4) Sanitarian;
- (5) Subsurface sewage system installer or cleaner;
- (6) Marital and family therapist;
- (7) Nurse-midwife;
- (8) Licensed clinical social worker;
- (9) Respiratory care practitioner;
- (10) Asbestos contractor and asbestos consultant;
- (11) Massage therapist;
- (12) Registered nurse's aide;
- (13) Radiographer;

- (14) Dental hygienist;
- (15) Dietitian-Nutritionist;
- (16) Asbestos abatement worker;
- (17) Asbestos abatement site supervisor;
- (18) Licensed or certified alcohol and drug counselor;
- (19) Professional counselor;
- (20) Acupuncturist;
- (21) Occupational therapist and occupational therapist assistant;
- (22) Lead abatement contractor, lead consultant contractor, lead consultant, lead abatement supervisor, lead abatement worker, inspector and planner-project designer;
- (23) Emergency medical technician, advanced emergency medical technician, emergency medical responder and emergency medical services instructor;
- (24) Paramedic;
- (25) Athletic trainer;
- (26) Perfusionist;
- (27) Master social worker subject to the provisions of section 20-195v;
- (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- (29) Homeopathic physician;
- (30) Certified water treatment plant operator, certified distribution system operator, certified small water system operator, certified backflow prevention device tester and certified cross connection survey inspector, including certified limited operators, certified conditional operators and certified operators in training;
- (31) Tattoo technician; [and]
- (32) Genetic counselor; [and](#)
- [\(33\) Behavior analyst.](#)

The department shall assume all powers and duties normally

vested with a board in administering regulatory jurisdiction over such professions. The uniform provisions of this chapter and chapters 368v, 369 to 381a, inclusive, ~~[383]~~ [382a](#) to 388, inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not limited to, standards for entry and renewal; grounds for professional discipline; receiving and processing complaints; and disciplinary sanctions, shall apply, except as otherwise provided by law, to the professions listed in this subsection.

Sec. 7. Subdivision (6) of section 20-413 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2017*):

(6) The provision of applied behavior analysis services by a [board certified] behavior analyst or a [board certified] assistant behavior analyst, as such terms are defined in section 20-185i, [as amended by this act](#), in accordance with section 10-76ii.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2017</i>	20-185i
Sec. 2	<i>January 1, 2017</i>	New section
Sec. 3	<i>January 1, 2017</i>	New section
Sec. 4	<i>January 1, 2017</i>	New section
Sec. 5	<i>January 1, 2017</i>	New section
Sec. 6	<i>January 1, 2017</i>	19a-14(c)
Sec. 7	<i>January 1, 2017</i>	20-413(6)

**PH**            *Joint Favorable Subst.*  
**APP**          *Joint Favorable*