

## Licensure of Behavior Analysts 7/1/18

**Sec. 187.** Subsection (c) of section 19a-14 of the general statutes, as amended by section 7 of public act 17-66, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(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, asbestos consultant and asbestos training provider;
- (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, lead training provider, lead inspector, lead inspector risk assessor and lead 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 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. 188. Section 20-185i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) As used in this section and sections 10-76ii, 10-145t, 19a-14 and 20-413 and sections 189 to 195, inclusive, of 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)"]

(2) "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) 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 190 or 191 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.

Sec. 189. (NEW) (*Effective July 1, 2018*) (a) No person may practice behavior analysis unless licensed pursuant to section 153 or 154 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 190 or 191 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 license or certification and training, provided the person does not hold himself or herself out to the public as a behavior analyst, (2) 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) is an instructor in a course approved by the Behavior Analyst Certification Board, (4) is an assistant behavior analyst working under the supervision of a behavior analyst in accordance with

the standards established by the Behavior Analyst Certification Board, (5) implements an intervention based on behavior analysis under the supervision of a behavior analyst, or (6) is a family member, guardian or caretaker implementing a behavior analysis treatment plan under the direction of a behavior analyst.

Sec. 190. (NEW) (*Effective July 1, 2018*) (a) The Commissioner of Public Health shall grant a license as a behavior analyst to any applicant who furnishes evidence satisfactory to the commissioner that such applicant is certified as a behavior analyst by the Behavior Analyst Certification Board. The commissioner shall develop and provide application forms. The application fee shall be three hundred fifty dollars.

(b) A license issued under this section may be renewed annually. The license shall be renewed in accordance with the provisions of section 19a-88 of the general statutes, for a fee of one hundred seventy-five dollars. Each behavior analyst applying for license renewal shall furnish evidence satisfactory to the commissioner of having current certification with the Behavior Analyst Certification Board.

Sec. 191. (NEW) (*Effective July 1, 2018*) A person, who is not eligible for licensure under section 190 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. 192. Subdivision (1) of subsection (e) of section 19a-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(e) (1) Each person holding a license or certificate issued under section 190 or 191 of this act, section 19a-514, 20-65k, 20-74s, 20-195cc or 20-206ll and chapters 370 to 373, inclusive, 375, 378 to 381a, inclusive, 383 to 383c, inclusive, 384, 384a, 384b, 384d, 385, 393a, 395, 399 or 400a and section 20-206n or 20-206o shall, annually, during the month of such person's birth, apply for renewal of such license or certificate to the Department of Public Health, giving such person's name in full, such person's residence and business address and such other information as the department requests.

Sec. 193. (NEW) (*Effective July 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. 194. Subdivision (6) of section 20-413 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

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

Sec. 195. Section 10-76ii of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

[(a)] On and after July 1, 2012, a local or regional board of education that is responsible for providing special education and related services to a child, pursuant to section 10-76a, shall provide applied behavior analysis services to any such child with autism spectrum disorder if the individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 requires such services. [(1) Such services shall be provided by a person who is, subject to the provisions of subsection (b) of this section, (A) licensed by the Department of Public Health or certified by the Department of Education and such services are within the scope of practice of such license or certificate, or (B) certified by the Behavior Analyst Certification Board as a behavior analyst or assistant behavior analyst, provided such assistant behavior analyst is working under the supervision of a certified behavior analyst. (2) A teacher or paraprofessional may implement the individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 providing for such applied behavior analysis services, provided such teacher or paraprofessional is under the supervision of a person described in subdivision (1) of this subsection. For purposes of this section, "applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral 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.

(b) If the Commissioner of Education determines that there are insufficient certified or licensed personnel available to provide applied behavior analysis services in accordance with the provisions of subsection (a) of this section, the commissioner may authorize the provision of such services by persons who: (1) Hold a bachelor's degree in a related field; (2) have completed (A) a minimum of nine credit hours of coursework from a course sequence approved by the Behavior Analyst Certification Board, or (B) coursework that meets the eligibility requirement to sit for the board certified behavior analyst examination; and (3) are supervised by a board certified behavior analyst.

(c)] Nothing in this section shall be construed to require the inclusion of applied behavior analysis services in an individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973.

Sec. 196. Subsection (a) of section 10-145t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) For purposes of this section, "school support staff" means any person employed by a local or regional board of education as a [board certified] behavior analyst or [board certified] assistant

behavior analyst, as such terms are defined in section 20-185i athletic coach, as defined in section 10-149d, or school paraprofessional.

Sec. 197. Subsections (a) to (c), inclusive, of section 38a-488b of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) As used in this section:

(1) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior, to produce socially significant improvement in human behavior.

(2) "Autism spectrum disorder services provider" means any person, entity or group that provides treatment for an autism spectrum disorder pursuant to this section.

(3) "Autism spectrum disorder" means "autism spectrum disorder" as set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders".

(4) "Behavioral therapy" means any interactive behavioral therapies derived from evidence-based research and consistent with the services and interventions designated by the Commissioner of Social Services pursuant to subsection (l) of section 17a-215c, including, but not limited to, applied behavior analysis, cognitive behavioral therapy, or other therapies supported by empirical evidence of the effective treatment of individuals diagnosed with autism spectrum disorder, that are: (A) Provided to children less than twenty-one years of age; and (B) provided or supervised by (i) a licensed behavior analyst, [who is certified by the Behavior Analyst Certification Board,] (ii) a licensed physician, or (iii) a licensed psychologist. For the purposes of this subdivision, behavioral therapy is "supervised by" such licensed behavior analyst, licensed physician or licensed psychologist when such supervision entails at least one hour of face-to-face supervision of the autism spectrum disorder services provider by such licensed behavior analyst, licensed physician or licensed psychologist for each ten hours of behavioral therapy provided by the supervised provider.

(5) "Diagnosis" means the medically necessary assessment, evaluation or testing performed by a licensed physician, licensed psychologist or licensed clinical social worker to determine if an individual has autism spectrum disorder.

(b) Each individual health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 that is delivered, issued for delivery, renewed, amended or continued in this state shall provide coverage for the diagnosis and treatment of autism spectrum disorder. For the purposes of this section and section 38a-482a, autism spectrum disorder shall be considered an illness.

(c) Such policy shall provide coverage for the following treatments, provided such treatments are (1) medically necessary, and (2) identified and ordered by a licensed physician, licensed psychologist or licensed clinical social worker for an insured who is diagnosed with autism spectrum disorder, in accordance with a treatment plan developed by a licensed behavior analyst, [who is certified by the

Behavior Analyst Certification Board,] licensed physician, licensed psychologist or licensed clinical social worker, pursuant to a comprehensive evaluation or reevaluation of the insured:

(A) Behavioral therapy;

(B) Prescription drugs, to the extent prescription drugs are a covered benefit for other diseases and conditions under such policy, prescribed by a licensed physician, a licensed physician assistant or an advanced practice registered nurse for the treatment of symptoms and comorbidities of autism spectrum disorder;

(C) Direct psychiatric or consultative services provided by a licensed psychiatrist;

(D) Direct psychological or consultative services provided by a licensed psychologist;

(E) Physical therapy provided by a licensed physical therapist;

(F) Speech and language pathology services provided by a licensed speech and language pathologist; and

(G) Occupational therapy provided by a licensed occupational therapist.

Sec. 198. Subsections (a) to (c), inclusive, of section 38a-514b of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) As used in this section:

(1) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between environment and behavior, to produce socially significant improvement in human behavior.

(2) "Autism spectrum disorder services provider" means any person, entity or group that provides treatment for autism spectrum disorder pursuant to this section.

(3) "Autism spectrum disorder" means "autism spectrum disorder" as set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders".

(4) "Behavioral therapy" means any interactive behavioral therapies derived from evidence-based research and consistent with the services and interventions designated by the Commissioner of Social Services pursuant to subsection (l) of section 17a-215c, including, but not limited to, applied behavior analysis, cognitive behavioral therapy, or other therapies supported by empirical evidence of the effective treatment of individuals diagnosed with autism spectrum disorder, that are: (A) Provided to children less than twenty-one years of age; and (B) provided or supervised by (i) a licensed behavior analyst, [who is certified by the Behavior Analyst Certification Board,] (ii) a licensed physician, or (iii) a licensed psychologist. For the purposes of this subdivision, behavioral therapy is "supervised by" such licensed behavior analyst, licensed physician or licensed psychologist when such supervision entails at least one hour of face-to-face supervision of the autism spectrum disorder services provider

by such licensed behavior analyst, licensed physician or licensed psychologist for each ten hours of behavioral therapy provided by the supervised provider.

(5) "Diagnosis" means the medically necessary assessment, evaluation or testing performed by a licensed physician, licensed psychologist or licensed clinical social worker to determine if an individual has autism spectrum disorder.

(b) Each group health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 that is delivered, issued for delivery, renewed, amended or continued in this state shall provide coverage for the diagnosis and treatment of autism spectrum disorder. For the purposes of this section and section 38a-513c, autism spectrum disorder shall be considered an illness.

(c) Such policy shall provide coverage for the following treatments, provided such treatments are (1) medically necessary, and (2) identified and ordered by a licensed physician, licensed psychologist or licensed clinical social worker for an insured who is diagnosed with autism spectrum disorder, in accordance with a treatment plan developed by a licensed behavior analyst, [who is certified by the Behavior Analyst Certification Board,] licensed physician, licensed psychologist or licensed clinical social worker, pursuant to a comprehensive evaluation or reevaluation of the insured:

(A) Behavioral therapy;

(B) Prescription drugs, to the extent prescription drugs are a covered benefit for other diseases and conditions under such policy, prescribed by a licensed physician, a licensed physician assistant or an advanced practice registered nurse for the treatment of symptoms and comorbidities of autism spectrum disorder;

(C) Direct psychiatric or consultative services provided by a licensed psychiatrist;

(D) Direct psychological or consultative services provided by a licensed psychologist;

(E) Physical therapy provided by a licensed physical therapist;

(F) Speech and language pathology services provided by a licensed speech and language pathologist;  
and

(G) Occupational therapy provided by a licensed occupational therapist.