



To: Chair and Senate Committee on Health Care
Cc: Senator Bates
Re: Licensing Requirements for Behavior Analysts

The Oregon Association for Behavior Analysis (ORABA) would first like to thank Senator Bates and the Oregon legislature for their work over the years to make evidence-based treatments accessible to Oregon's families of children with autism. SB 365, adopted in 2013, has made a difference in the lives of many Oregonians, and the creation of the Behavior Analysis Regulatory Board (BARB) has been an important step in making sure that medically necessary services are covered. We look forward to working with Senator Bates and other stakeholders on amendments to SB 696 so that current challenges in provider regulation are resolved.

We strongly recommend allowing health care providers who already hold a license in fields such as speech-language pathology, psychology, or occupational therapy to use ABA techniques under the auspices of their professional certifications or licenses and within the bounds of their training and competence. This approach will allow consumers to access a range of treatment options while limiting confusion about provider qualifications.

Currently, Oregon's Licensed Behavior Analysts and Licensed Assistant Behavior Analysts must hold credentials from the Behavior Analyst Certification Board (BACB), as Board Certified Behavior Analysts (BCBAs) and Board Certified Assistant Behavior Analysts (BCaBAs), respectively. The BACB was established in 1998 to credential professional practitioners of applied behavior analysis. It is a nationally and internationally recognized credentialing body whose credentialing programs are accredited by the National Commission for Certifying Agencies. Like credentials in many other disciplines, the BACB credentials require specific degrees, coursework, and supervised experience in behavior analysis, and passage of a psychometrically and legally validated professional exam. Additionally, the BACB has established requirements for continuing education, guidelines for responsible conduct, and professional disciplinary and ethical standards.

SB 696 proposes to change the way providers of ABA services are regulated, yet to date providers have not been directly involved in drafting language for the bill. A diverse group of autism treatment providers and consumers met on Saturday and agreed on a list of recommendations for Senator Bates and the Senate Health Care Committee. ORABA strongly supports the following recommendations of that group:

- The BARB will regulate the titles of Licensed Behavior Analyst and Licensed Assistant Behavior Analyst, and will regulate the practice of applied behavior

analysis by the board's licensees. Other licensed providers will be regulated by their respective licensing boards, not the BARB.

- Other health professionals will be reimbursed for use of ABA techniques under the auspices of their own professional certifications or licenses and within the bounds of their training and competence according to existing mental health parity laws and the provisions of SB696, allowing consumers of ABA services greater access to a range of services.
- The speech-language pathologist on the BARB should be replaced with a Licensed Assistant Behavior Analyst and the public member should be replaced with a consumer of ABA services.
- There should be a separate registry for “interventionists” similar to the structure of the DHS personal support worker system or the child-care registry. This registry should be housed within the Oregon Health Authority’s Health Licensing Office and should require that interventionists meet the following criteria:
 1. Have a high school diploma or GED
 2. Be at least 18 years of age
 3. Pass a federal and state criminal background check with fingerprinting
 4. Complete initial 40 hours of training in ABA to be determined by the Oregon Health Authority by administrative rule through the use of a Rules Advisory Committee
 5. Ongoing direct training and supervision by a licensed behavior analyst or other licensed health care professional

We understand that there are other autism treatment providers who have not met the international standards of the profession – that is, the BACB certification requirements – who may wish to be “grandfathered” as Licensed Behavior Analysts. We respectfully submit that this approach would mislead the public and put consumers at risk, just as it would to sanction people to practice medicine, psychology, speech-language pathology, or other professions who had not met standards set by those professions, including demonstrating competence by examination. As an alternative, we recommend carefully crafted exemptions from licensing for providers working in specified positions within state service delivery systems, such as state and county developmental disabilities programs. That will ensure continued access to important community supports and services while people in those positions who wish to be licensed as behavior analysts obtain the training required to qualify for licensure.

We ask that Senator Bates and other stakeholders continue to work with ORABA to arrive at solutions to these important issues related to consumer access and protection. Thank you for your time and consideration.

Respectfully submitted,

The Oregon Association for Behavior Analysis Board
Melissa Gard, President
Maria Lynn Kessler, Vice President

Cc: Senator Alan Bates