

March 13, 2019

RE: Support of SB 135 with -1 and -2 amendments, strengthening the regulation of ABA services

To the Senate Committee on Health Care:

Chair: Senator Laurie Monnes Anderson

Vice-Chair: Senator Dennis Linthicum

Members: Senator Lee Beyer, Senator Shemia Fagan, Senator Tim Knopp

I am writing in support of SB135 with the -1 and -2 amendments, to strengthen regulation of Applied Behavior Analysis (ABA) services.

SB135, as amended, would:

-1- Make the employer, in addition to the practitioner, legally accountable for adhering to existing Oregon law governing the practice of behavior analysis.

-2- Clarify that the unlicensed practice of Applied Behavior Analysis is illegal and give the Health Licensing Office the authority to take enforcement action against unlicensed providers.

Per preliminary SMS submitted on 3/12/2019 at 8:29 PM:

*“Applied Behavior Analysis (ABA) is a therapy based on the science of learning and behavior. ABA therapy applies our understanding of how behavior works to real situations. The goal is to increase behaviors that are helpful and decrease behaviors that are harmful or affect learning. Senate Bill 365 (2013) created the Behavior Analysis Regulatory Board to license providers of ABA in Oregon. Senate Bill 696 (2015) established a statutory definition of “applied behavior analysis and established criteria for licensure of behavior analysts and assistant behavior analysts.”*

ABA therapy has been regulated and it is important to make sure entities that contract with ABA therapists do not cut corners. There are certain guidelines put into place for the therapists.

Hypothetically, if the entity contracting with the ABA therapist wants to save money, they could “request” the therapist to not fully perform their duties. The entity could even abruptly stop the ABA and cause detriment to the person receiving services. The entity could, because of their lack of understanding of ABA, want to limit the access of ABA therapists to certain environments. The above bill would ensure that the person receiving services was getting what was prescribed by the BCBA.

My experience has been that very few people truly understand what ABA is, the complexities of the therapy, and how much it can help improve adaptive function in ALL environments. Ill-informed decisions are made with unintended harmful consequences to actual families. For this reason, further oversight is needed and I support the amendments to SB-135.

Thank you for your consideration,

Amy Zajac