

[HB2421A](#): ABA Licensing Technical Fixes and Consumer Safety

Background:

- Applied Behavior Analysis (ABA) therapy is a form of behavioral health care commonly used to treat behavioral symptoms of autism and other behavioral health conditions
- Oregon's [Behavior Analysis Regulatory Board \(BARB\)](#) licenses Behavior Analysts and registers Behavioral Analysis Interventionists (technicians who practice under supervision by a Licensed Behavior Analyst, Psychologist, or other licensed behavioral health professional)
 - ABA licensing was established under [SB365 \(2013\)](#) and [SB696 \(2015\)](#)
 - There are now 1,860 active ABA licensees and registrants in Oregon
- After 10 years of implementation, numerous gaps and technical issues have been identified in licensing and regulation of ABA therapists that will be fixed by [HB2421](#)

Current Issues that will be fixed by HB2421A:

- Professional standards for Interventionists: The Health Licensing Office (HLO) has no authority over professional misconduct by interventionists (it only has authority over their initial registration). HB2421A will allow HLO and the Board to set enforceable professional standards
- Child abuse reporting: behavior analysts aren't on the list of professionals that must report child abuse ([ORS 419B.005](#))
- Prohibition on the practice of conversion therapy: Oregon prohibits gay conversion therapy by Psychologists and other professionals but not specifically by Behavior Analysts ([ORS 675.850](#))
- Duty to report unprofessional conduct, arrests, and convictions: Oregon requires all other health professionals to report prohibited or unprofessional conduct by other licensees or their own criminal convictions, but not Behavior Analysts ([ORS 676.150](#))
- Align minor's treatment by a Behavior Analyst with other behavioral health providers: Oregon allows youth age 14+ to take a more active role in making decisions about their behavioral health treatment by psychologists and other professionals, such as by helping develop and approve their own treatment plans – but behavior analysts aren't included. ([ORS 109.675](#))
 - Does NOT allow children to refuse treatment authorized by their parents
- Fix gaps and typos in Health Licensing Office's enforcement authority: For example, it is unlawful under [ORS 676.820](#) to use the title of "Licensed Behavior Analyst" if it hasn't been granted – but there is no penalty clause and HLO has no enforcement authority
- Require the Health Licensing Office to consult with the Board on enforcement: while the HLO staff consults with the Board in practice, there is no statutory provision for consultation – the Board's only statutory role is in adopting rules on licensing and practice of ABA

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