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**Board of Registration of Allied Mental Health
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**Frequently Asked Questions
New License Requirements for
Applied Behavior Analysts and Assistant Applied Behavior Analysts**

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On January 8, 2013, Chapter 429 of the Acts of 2012 (Chapter 429) was enacted requiring licensure for applied behavior analysts (ABAs) and assistant applied behavior analysts (AABAs). A copy of Chapter 429 can be found at: <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter429>.

Chapter 429 authorizes the Board of Registration of Allied Mental Health and Human Services Professionals (Board), under the supervision of the Division of Professional Licensure (DPL), to promulgate regulations governing licensure eligibility, the application process, and standards of practice for ABAs and AABAs.

Below are answers to Frequently Asked Questions concerning the implementation of Chapter 429 and the new license requirements.

1. What is the “practice of applied behavior analysis?”

Chapter 429 defines the practice of applied behavior analysis as:

the design, implementation and evaluation of systematic instructional and environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvements in human behavior, including the direct observation and measurement of behavior and the environment, the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, and the introduction of interventions based on scientific research and which utilize contextual factors, antecedent stimuli, positive reinforcement and other consequences to develop new behaviors, increase or decrease existing behaviors and elicit behaviors under specific environmental conditions that are delivered to individuals and groups of individuals; provided, however, that the “practice of applied behavior analysis” shall not include psychological testing, neuropsychology, diagnosis of mental health or developmental conditions, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, psychopharmacological recommendations, hypnotherapy or academic teaching by college or university faculty.

Applied behavior analysts treat individuals with Autism Spectrum Disorders and developmental disabilities by developing treatment plans to foster new behaviors, increase or decrease existing behaviors, and elicit behaviors



under specific environmental conditions. They also work with families of diagnosed individuals and engage in behavioral coaching.

2. Will I need a license to practice applied behavior analysis and, if so, when will I need to be licensed?

Generally, yes. Chapter 429 requires the Board to promulgate regulations implementing the licensing of ABAs and AABAs by October 8, 2014. Applications for licensure will be available on or before this date.

3. Are there exemptions to the license requirement?

Yes. Chapter 429 provides for certain exemptions to the licensure requirement.

Professionals such as physicians, psychologists, social workers or individuals in other such occupations who have applied behavior analysis within their scope of practice and who meet the requirements of a public or private school or agency's licensure standards may practice applied behavior analysis if it is consistent with the accepted standards of their respective professions.

Additionally, an individual who implements applied behavior analysis services to a person served in a public or private school setting or an individual employed by a service agency licensed or approved by the state to provide residential, habilitative, vocational, or social support services may practice applied behavior analysis without a license when such practice is part of an Individualized Education Program (IEP) or Individualized Service Plan (ISP) supervised by a professional employee meeting the requirements of the school or agency's licensure standards. Those providing college or university academic instruction of behavior analysis are also exempt from licensure.

It is important to note that a person practicing behavior analysis under an exemption may not use the title "*Licensed Applied Behavior Analyst*" unless he or she in fact is licensed. Although some professionals are permitted to practice under these exemptions, many may wish to pursue licensure as it may be required by employers and/or third-party payers.

4. Who will oversee the licensure of ABAs and AABAs?

The Board was granted the authority to implement the licensure of ABAs and AABAs. The Board currently oversees the licensure of Mental Health Counselors, Marriage and Family Therapists, Rehabilitation Counselors, and Educational Psychologists. There are 13 seats on the Board, two of which are reserved for Applied Behavior Analyst representatives.

5. What is the process by which the ABA and AABA licensure regulations will be developed?

The Board has appointed a task force to draft regulations pursuant to Chapter 429. The task force is made up of five members, three members from the public and two Applied Behavior Analyst representatives from the Board. All task force meetings are open to the public and subject to the Open Meeting Law. As such, notices of the meetings are posted on the Board website at <http://www.mass.gov/ocabr/licensee/dpl-boards/mh/>.

The Board is also holding a public meeting on the proposed regulations on February 21, 2014 at 10:00 a.m. at 1000 Washington Street, Boston, MA 02118 in Room 1D. The purpose of this meeting is to hear from the

public and stakeholders on any issue relevant to the licensure of ABAs and AABAs, and the forthcoming regulations.

Once the task force has finalized a draft of the regulations, it will be presented to the Board for any further revisions and approval. Once approved by the Board, a notice of the regulatory process pursuant to G.L. c. 30A will be issued in the Massachusetts Register and a public hearing will be held. The date for this hearing will be posted in the notice and on the Board's website. This hearing is in addition to the meeting being held on February 21.

Following the public hearing, the final regulations, with any changes made as a result of public comment, will be approved by the Board and published in the Massachusetts Register.

6. Will the public have access to the proposed regulations?

Yes. A copy of the proposed regulations will accompany the notice issued in the Massachusetts Register and on the Board website, prior to the public hearing.

7. What will be the requirements to be licensed as an ABA?

Chapter 429 sets the general framework of the qualifications necessary to become licensed as an ABA:

A doctoral-level applicant may be eligible for licensure if he or she has successfully:

- (1) completed a doctoral degree program which included a minimum of 60 graduate credit hours in courses related to the study of behavior analysis;
- (2) completed a practicum or supervised experience in the practice of behavior analysis; and
- (3) passed a board-approved examination.

A master-level applicant may be eligible for licensure if he or she has successfully:

- (1) completed a master's degree program which included a minimum of 30 graduate credit hours in courses related to the study of behavior analysis;
- (2) completed a practicum or supervised experience in the practice of behavior analysis; and
- (3) passed a board-approved examination.

The regulations being developed by the Board will clarify these statutory requirements as needed.

8. What will be the requirements to be licensed as an AABA?

Chapter 429 sets the general framework of the qualifications necessary to become licensed as an AABA:

A bachelor-level applicant may be eligible for licensure if he or she has successfully:

- (1) completed a bachelor's degree program which included a minimum of 135 classroom hours of instruction specifically in behavior analysis; or completed a bachelor's degree combined with successful completion of a board-approved course sequence or course work which otherwise meets professional standards, as determined by the board;
- (2) completed a practicum or supervised experience in the practice of behavior analysis; and
- (3) passed a board-approved examination.

The regulations being developed by the Board will clarify these statutory requirements as needed.

9. Will “Board Certified Behavior Analysts” (BCBAs) and “Board Certified Assistant Behavior Analysts” (BCaBAs) be eligible to apply for licensure if they do not meet the requirements stated above?

Yes, for a limited time. BCBAs and BCaBAs are practitioners who have received certifications from the Behavior Analyst Certification Board (BACB), a private organization based in Colorado providing certification internationally. Under Chapter 429, BCBAs and BCaBAs will be eligible to apply for a license based on their registration with the BACB if they apply during a “grandfathering period.” Although BCBAs and BCaBAs are eligible to apply for licensure under this provision, their application is subject to approval from the Board. The grandfathering period will begin upon the effective date of the regulations and end 4 months from that date. The deadline for the grandfathering period will be posted on DPL’s website. After this deadline, any BCBA or BCaBA wishing to become licensed must meet the eligibility requirements set forth in Chapter 429 and the Board’s regulations. As such, the Board encourages BCBAs and BCaBAs to apply for licensure during the grandfathering period. Additionally, although some BCBAs or BCaBAs may be permitted to practice under an exemption, many may wish to apply for licensure during the grandfathering period as future positions may require a license.

Web Resources¹

- For information about the Board of Allied Mental Health and Human Services Professionals, visit: <http://www.mass.gov/ocabr/licensee/dpl-boards/mh/>.
- For information about the Division of Professional Licensure, visit: <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/>.
- For the Applied Behavior Analyst licensing law, visit: <http://www.mass.gov/legis/journal/desktop/Current%20Agenda%202011/H4555.pdf>.
- For information on the Berkshire Association for Behavior Analysis and Therapy, visit: <http://www.babat.org>.
- For information on the Massachusetts Association of Applied Behavior Analysts, visit: www.massaba.net.

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