

## **New York State Limits Access to Effective Treatment for People with Disabilities**

Children and adults living in New York State who do not have a diagnosis of autism cannot easily access the expertise of a Licensed Behavior Analyst (LBA) at home or in many other places. This means that these individuals who have disabilities other than autism cannot benefit from the highest-quality, most well-trained professionals to deliver crucial services in places where they are most needed. In 2014, New York State enacted a law to license behavior analysts in such a way that Licensed Behavior Analysts (LBAs) are only allowed to treat individuals who have a diagnosis of Autism Spectrum Disorder. The only exception is that an LBA may treat individuals without autism only if the LBA is employed by an “exempt” setting.

The professional practice of Applied Behavior Analysis, long-standing for over 50 years, has made countless improvements in the lives of individuals in many ways. Some of these improvements have been seen in areas including, but not limited to, educational applications and learning, behavioral challenges, substance abuse, brain injury, Alzheimer's, ADHD, behavioral medicine, Down syndrome, to name only a few. There is substantial empirical evidence of the effectiveness of Applied Behavior Analysis in helping people across all of these challenges and many more. Licensed Behavior Analysts are highly-trained, well-qualified professionals who have earned a Master's or Doctoral degree, taken relevant coursework, completed rigorous supervision, and passed written examinations. Licensed Behavior Analysts provide services and activities for the design, implementation, and evaluation of environmental changes to produce socially significant improvement in the daily lives of individuals of all ages. This includes not only reducing problem behavior, but also teaching new skills.

Of the 30 states that have recognized the profession of behavior analysis through licensure, New York is the only state that restricts the scope of practice to individuals with a particular diagnosis. Behavior Analysis is the only profession within New York that is defined by and restricted in its practice to individuals with a particular diagnosis. The scope of practice restriction severely limits access to effective services for individuals who do not have a diagnosis of autism.

The restriction is also seriously impeding training opportunities for students of behavior analysis. Informal communication with prospective students of behavior analysis indicates that many may choose to train in other states, or to leave New York when they graduate if already in programs. Some supervisors of behavior analysis in NY are stating that they are discouraging young professionals interested in behavior analysis from working and studying in New York. Many Board Certified Behavior Analysts are sharing in public forums that they are leaving or choosing not to come to New York to work because they cannot serve individuals who do not have autism. The number of new Licensed Behavior Analysts in New York is already decreasing and at the

current rate, will eventually lead to a shortage of well-trained professionals to serve the autism community.

This injustice must be corrected to allow the profession to be defined by the practice and not a specific diagnosis, as in all other states that license behavior analysts.

We need your help! Family members of people who are being denied quality behavioral services from Licensed Behavior Analysts and other constituents in New York can speak up about this ***inequality*** by asking your legislators to support bills related to the practice of Behavior Analysis in NYS: ([S4967](#) and [A6389](#) ). Your voice is the most important!

**This is how you can help:**

1. Contact your local legislators. Face-to-face meetings are the most effective way to provide a legislator with the critical information and to obtain a commitment to help remove the scope restriction. Be persistent. Request to meet with an aide or advisor to your representative or request a phone meeting. Keep sending letters via email and postal mail to their local and Albany offices. *Keep calling* until your representatives are signed on as co-sponsors.
2. Make a list of people you know (colleagues, consumers, neighbors, friends, family members) that live in New York and groups with which you are affiliated (i.e., parent groups), and share with them the information for advocating for removal of the scope restriction.
3. Families who cannot access services because of the scope restriction are MOST IMPACTFUL. Our legislators need to hear their voices!

See below for several resources provided by the New York State Association for Behavior Analysis (NYSABA) to assist in fighting the scope of practice restriction in New York.

## **Links/Resources:**

### ***Ways to Stay Informed:***

Website [www.nysaba.org](http://www.nysaba.org) and Legislative Committee e-mail: [nysabalegislative@gmail.com](mailto:nysabalegislative@gmail.com)

### ***Resources for Contacting Legislators:***

[Find my Senator](#)

[Find my Assembly Member](#)

### ***Video Models for Phone Contact with Legislators:***

[Parent calls Assemblywoman](#)

[Student calls Senator](#)

[LBA calls Senator](#)