



History and Background of Behavior Analysis and Licensure in NYS

What is Behavior Analysis?

Behavior analysis is the science of behavior, with a history extending back to the early 20th century. Its guiding philosophy is behaviorism, which is based on the premise that attempts to improve the human condition through behavior change (e.g., education, behavioral health treatment) will be most effective if behavior itself is the primary focus. Behavior analysts have used this information to develop numerous techniques and treatment approaches for analyzing and changing behavior, and ultimately, to improve lives <https://www.bacb.com/about-behavior-analysis/>

Applied behavior analysis (ABA) generally involves teaching individuals more effective ways of behaving and working to change their circumstances. Treatment approaches based on ABA have been empirically shown to be effective for a wide variety of populations and circumstances including education, ADHD, autism, gun safety, drug and alcohol addiction, brain injury, staff and performance management, and obesity, among many others.

Behavior Analysis Licensure in New York

1. In 2011, a new law was enacted to require insurance to pay for autism treatment. This law allowed behavior analysts to be providers of ABA treatment, but behavior analysts were not licensed in NY, they were certified by the Behavior Analyst Certification Board (a national board).
2. In 2013, the State passed a bill to license behavior analysts. The scope of practice has been limited to only those with a diagnosis of autism or a related disorder (which is narrowly defined as autism spectrum disorders).
3. New York is the only state in which the individuals licensed in a profession (i.e. behavior analysis) are limited in practice by the diagnosis of the individual in need of services and this is the only profession in NY and across the country with this restriction. In the other 29 states (with the NJ soon to be the 30th) where behavior analysts are licensed, there is no restriction on the profession or the individuals licensed in the profession based on a diagnosis.
4. This restriction prevents ABA services from being provided, by individuals who are most qualified to provide them, to those diagnosed with Down syndrome, Traumatic Brain Injury (TBI), ADHD, OCD, Tourette syndrome, Prader Willi syndrome, Dementia, Drug Addiction, or through consultation to schools on PBIS and behavior planning.
5. Fourteen colleges/universities (17 programs total) in New York have programs in place to train students in behavior analysis. These programs are geographically dispersed throughout New York and are located at both public and private institutions. To ensure the students who graduate from these programs are adequately prepared to apply the science of behavior analysis to the treatment of individuals, the scope of practice limitation needs to be addressed.
6. While the new guidelines for the American Academy of Pediatrics call for Applied Behavior Analysis (<https://www.aappublications.org/news/2019/12/16/autism121619>), a new study, by Zhang and Cummings (2019)* on the availability of behavior analysts in the US shows that NY has the fewest behavior analysts per 100 individuals with autism in the North East.

7. In addition to the serious shortage of behavior analysts in New York, there is a significant decreasing trend in new behavior analysts while the rest of the country has an upward trend in behavior analysts. Additionally, in a survey of several hundred behavior analysts in New York, more than 50% knew a licensed behavior analyst who moved out of state or is considering moving out of NY due to the limitations on the practice of behavior analysis in NY. This will not only *exacerbate the current shortage* and *eliminate our ability to improve capacity* for autism treatment in New York, but it all but ensures that **persons with means** will be the only persons able to receive this needed service for their loved one through private insurance (i.e., for persons with autism) or going out of state (e.g., NJ, CT, MA) for persons who do not have autism.

*Zhang, Y. X., & Cummings, J. R. (2019). Supply of Certified Applied Behavior Analysts in the United States: Implications for Service Delivery for Children With Autism. *Psychiatric Services*, appi-ps.