A3523-A Peoples-Stokes Same as S 1662-B SKOUFIS

Education Law

TITLE....Relates to the practice of applied behavior analysis

This bill is not active in the current session.

01/27/21 referred to higher education
05/11/21 amend and recommit to higher education
05/11/21 print number 3523a
05/19/21 reported referred to rules
05/24/21 reported
05/24/21 rules report cal.88
05/24/21 ordered to third reading rules cal.88
05/24/21 passed assembly
05/24/21 delivered to senate
05/24/21 REFERRED TO HIGHER EDUCATION
06/09/21 SUBSTITUTED FOR S1662B
06/09/21 3RD READING CAL.1130
06/09/21 PASSED SENATE
06/09/21 RETURNED TO ASSEMBLY
12/20/21 delivered to governor
12/30/21 signed chap.818

PEOPLES-STOKES, SOLAGES, GUNThER, M. MILLER, THIELE, BYRNE, SANTABARBARA, ABINANTI, WALSH, STIRPE, BARCLAY, ZEBROWSKI, SCHMITT, WALLACE, GOTTFRIED, DIPIETRO, JACOBSON, PICHARDO, DICKENS, COLTON, NIOU, MCMAhON, PAULIN, DINOWITZ, CLARK, EICHENSTEIN, LUNSFORD, W AlCZYK, SIMON, BURDICK, ROZIC, RA, FRONTUS, LUPARDO, BUTTENSCHON, SMITH; M-S: Brabenec, Bronson, Hevesi, Lalor, Manktelow, McDonough
Amd §8802, Ed L

Relates to the practice of applied behavior analysis.

EFF. DATE 06/30/2023 (SEE TABLE)
LAWS OF NEW YORK, 2021

CHAPTER 818

AN ACT to amend the education law, in relation to applied behavior analysis

Became a law December 30, 2021, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 8802 of the education law, as added by chapter 554 of the laws of 2013, is amended to read as follows:

1. The practice of applied behavior analysis by a "licensed behavior analyst" shall mean the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior, pursuant to a diagnosis and prescription or order from a person who is licensed or otherwise authorized to provide such diagnosis and prescription or ordering services pursuant to a profession enumerated in this title, for the purpose of providing behavioral health treatment for persons with autism and autism spectrum disorders and related disorders. For purposes of this section, prescriptions or orders for behavioral health treatment provided by a licensed behavior analyst shall be limited to providing treatment to individuals with behavioral health conditions that appear in the most recent edition of the diagnostic and statistical manual of mental disorders, published by the American Psychiatric Association, or an equivalent classification system as determined by the department. In addition, licensed behavior analysts providing services pursuant to a prescription or order, as authorized by this section, shall provide a report at least annually regarding the status of the individual served to the licensed person prescribing or ordering such service or more frequently, if needed, in order to report significant changes in the condition of the individual.

§ 2. This act shall take effect eighteen months after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

The Legislature of the STATE OF NEW YORK ss:
Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

ANDREA STEWART-COUSINS
Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.
NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A3523A

SPONSOR: Peoples-Stokes

TITLE OF BILL:
An act to amend the education law, in relation to applied behavior analysis

PURPOSE OR GENERAL IDEA OF BILL:
The purpose of this bill is to make New York consistent with other states that license behavior analysts.

SUMMARY OF PROVISIONS:
Section one of the bill amends Subdivision one of Section 8802 of the education law to make the licensing of behavior analysts in New York consistent with the licensing in other states by removing the restriction that the treatment is only 'for persons with autism and autism spectrum disorders. Additionally, prescriptions or orders for behavioral health treatment provided by a licensed behavior analyst shall be limited to providing treatment to individuals with behavioral health conditions that appear in the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent classification system as determined by the department. In addition, licensed behavior analysts providing services pursuant to a prescription or order, as authorized by this section, shall provide a report at least annually regarding the status of the individual served to the licensed person prescribing or ordering such service or more frequently, if needed, in order to report significant changes in the condition of the individual.

Section two provides the effective date.

DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION:
The amended version of the bill provides that prescriptions or orders for behavioral health treatment provided by a licensed behavior analyst shall be limited to providing treatment to individuals with behavioral health conditions that appear in the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association, or an equivalent classification system as determined by the department. In addition, licensed behavior analysts providing services pursuant to a prescription or order, as authorized by this section, shall provide a report at least annually regarding the status of the individual served to the licensed person prescribing or ordering such service or more frequently, if needed, in order to report significant changes in the condition of the individual.

The amended version also has a new effective date.
JUSTIFICATION:

In 2014, New York enacted a separate licensure law for behavior analysts. Unlike many other states, however, New York's behavior analysis licensing law (Article 167 of the Education law) restricts these professionals in a way that only authorizes these professionals to treat individuals diagnosed with autism or a related disorder. The original law was designed to ensure a smooth implementation of the insurance mandate to pay for the treatment of those individuals diagnosed with autism by qualified and regulated professionals. Behavior analysts apply scientific principles of learning and behavior systematically to address socially significant human behavior to impact behavior outcomes. Examples of disorders treated by behavioral analysts include but are not limited to the following: autism spectrum disorders, sensory processing disorder, anorexia nervosa, Alzheimer's, ADHD, Down Syndrome, and reactive attachment disorder (RAD). This practice is not designed to be limited to individuals diagnosed with autism or a related disorder. The profession of behavior analysis has made countless improvements in the lives of individuals in many ways including educational applications and learning, behavioral challenges, substance abuse, brain injury, Alzheimer's, ADHD, behavioral medicine and Down Syndrome. The profession has contributed substantial evidence making positive behavioral outcomes for those with many disorders other than autism, and should not be defined by a particular disorder. It is time to align New York's law with the actual practice of this profession and match with the laws of other states.

This law affects students in college programs studying to become licensed behavior analysts because it reduces the training opportunities. The education of individuals in a profession should not be limited by a particular disorder; instead, as in other professions, the learning involves 'a broader understanding of the full scope of practice. This change in the law should be implemented to allow the profession to be properly defined and match the laws of other states.

PRIOR LEGISLATIVE HISTORY:

A.7632 of 2017/2018
A.6398A/S4967A of 2019/2020

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None.

EFFECTIVE DATE:

This act shall take effect eighteen months after it shall have become a law. Effective immediately, the addition and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made on or before such effective date.
Accreditation Standards

1. Mission

The program has a mission which is its specific purpose for existing.

1-100 The program articulates its mission, together with a set of objectives to accomplish it, in a mission statement.

1-101 The mission of the program is congruent with the mission and goals of ABAI and the institution where it resides, and appropriate to the science and practice of behavior analysis.

1-102 The mission statement of the program is readily available to the public. The mission statement must be readily understandable by prospective students, parents, the public, and other educational programs.

2. Curriculum

The program implements a clear and coherent curriculum plan that provides the means whereby all students can demonstrate substantial understanding and competence in areas pertinent to the program's mission, and recognize the value of life-long learning.

2-100 The curriculum promotes knowledge of contemporary issues in the field, critical thinking and problem-solving skills, and mastery of technologies necessary to conduct research.

2-101 The program's education, training, and socialization experiences are characterized by mutual respect, courtesy, and professionalism.

2-102 The faculty regularly reviews student learning outcomes to evaluate student progress.

2-103 The faculty regularly reviews student learning outcomes to evaluate and improve the program.

2-104 Program duration is appropriate for the level of degree offered.

2-105 The program encourages the faculty's innovation and creativity in the methods of instruction and modes of delivery.

2-106 Practicum environments, including arrangements for supervision, are sufficient in number and quality to support the achievement of student learning outcomes and program objectives.

2-107 Written agreements for practicum agencies are current, specify expectations for all parties, and ensure the protection of students.

2-108 Research environments are sufficient in number and quality to support the achievement of student learning outcomes and program objectives.

2-109 The program provides adequate training and supervision by behavior analysts with expertise in the subject and methods of the research.

2-110 The program evaluates and considers awarding proper academic credit for courses taken at institutions that are accredited by organizations recognized by the U.S. Department of Education or the Council for Higher Education Accreditation or other international authorities that satisfy current program course requirements.

2-111 The program makes its policies on transfer of credit readily accessible to prospective and enrolled students.

3. Outcomes Assessment

Essential to the accreditation review process are the outcomes of the program's training efforts. Fair and reasonable outcomes assessment protects the interests of the program and the public. The program's overall outcomes are assessed in the context of various outcome measures.

3-100 Time to completion for all students entering the program.

3-101 Graduation rates and attrition.

3-102 Success rate on Behavior Analyst Certification Board examination.

3-103 Success rate on state licensing examinations.

3-104 Admissions data: numbers of students who applied, were admitted, and enrolled. For admitted students, scores on standardized tests and undergraduate grade point average.

3-105 Job placement of graduates.

3-106 List of final projects (if required by the program), undergraduate or master's theses (if required by the program), and dissertations (if required by the program), including the title, and the supervising faculty member. If the work is in a language other than English, provide an English version of the title and abstract.

3-107 List of publications (in APA format) with students as authors or co-authors. If the work is in...
3-108 List of conference presentations (in APA format) with students as authors or co-authors. If the work is in a language other than English, provide an English translation.

3-109 Public online posting of items 3-100 through 3-104 is achieved in a format provided by the ABAI Accreditation Board.

4. Administration

The program is an integral part of its sponsoring institution and it is governed by its faculty as led by a qualified core member of the faculty.

4-100 The program is an integral part of the mission of the academic department, college, school, or institution in which it resides.

4-101 The program may consist of, or be located under, a single administrative entity (institution, agency, school, department, etc.) or may take the form of a consortium. A consortium is comprised of multiple independently administered entities which have, in writing, formally agreed to pool resources to conduct a training or education program. Written consortial agreements should articulate:

4-101-00 The nature and characteristics of the participating entities.
4-101-01 The rationale for the consortial partnership.
4-101-02 Each partner's commitment to the training/education program, its philosophy, model, and goals.
4-101-03 Each partner's obligations regarding contributions and access to resources.
4-101-04 Each partner's adherence to central control and coordination of the training program.
4-101-05 Each partner's commitment to uniform administration and implementation of the program's training principles, policies, and procedures addressing trainee/student admission, financial support, training resource access, potential performance expectations, and evaluations.

4-102 The program has an organized administrative structure and decision-making process that incorporates the program faculty and input from its students.

4-103 The administrator is a doctoral-level behavior analyst and a full-time member of the core faculty, whose training and experience equip him or her to lead the program. The administrator has adequate time and resources to fulfill the role's responsibilities.

5. Resources

The program has fiscal, physical, and learning resources adequate to fulfill its mission.

5-100 Fiscal resources are sustainable, sufficient to ensure the achievement of the student learning outcomes and program outcomes, and commensurate with the resources of the governing organization.

5-101 Physical resources, including research, teaching, and practical training facilities, are sufficient to ensure the achievement of program outcomes and meet the needs of the faculty and students.

5-102 Stipends for student assistantships and fellowships, if available, are awarded on a fair and consistent basis.

6. Faculty

Program faculty are sufficient in number and quality to fulfill the program's mission.

6-100 The faculty consists of behavior analysts who document their expertise in the applied, experimental, or conceptual analysis of behavior. The core faculty consists of full-time doctoral-level behavior analysts. Other program faculty, full- or part-time, have master's or doctoral degrees in behavior analysis or a related field.

6-101 Faculty obtain appropriate student evaluation of teaching for the purpose of course development and program improvement.

6-102 Faculty engage in ongoing professional development.

7. Student Services

Students enrolled in the program have the academic credentials, experience, and skills necessary to successfully complete the program in a timely fashion. Policies and procedures facilitate completion of the program.

7-100 The program provides students with accurate information about admission, retention, financial obligations, disciplinary procedures, and program accreditation status prior to enrollment. If the program trains professional behavior analysts, the information provided to prospective students includes the alignment of the program's offerings with applicable certification and licensing standards.

7-101 Programs offering master's or doctoral degrees give students offered stipends an April 15 deadline to accept them, if the program institution is a signatory of the April 15 Resolution of the Council of Graduate Schools.

7-102 The program policies for students are publicly accessible and consistently applied. Justification for variances is documented.

7-103 The program offers academic advising services to students: students receive meaningful feedback about their progress in the program at regular intervals; the program assists
students who are experiencing difficulty in progressing satisfactorily. In master’s or doctoral degree programs, the advisor is a member of the program’s core faculty.

7-104 The program encourages students to participate in professional development activities.

7-105 The program ensures that student complaints receive due process and maintains records of resolution.

7-106 The program abides by institutional policies with respect to diversity and nondiscrimination of ethnicity, gender, disability, and veteran status.

8. Public Disclosure

The program demonstrates its commitment to public disclosure by providing written materials and other communications that appropriately represent it to the relevant parties.

8-100 The program makes public its goals, objectives, and training model; its requirements for admission and graduation; curriculum; its faculty, students, facilities, and other resources; its administrative policies and procedures; the kinds of research and practicum experiences it provides; its education and training outcomes; and if the program trains professional behavior analysts, the alignment of the program offerings with the applicable certification and licensing standards.

8-101 This information should be presented in a manner that allows applicants to make informed decisions about the program.

8-102 As stated in the Mission Standard, the mission statement of the program, its purpose, and its supporting objectives are readily available to the public. The mission statement must be expressed in terms that can be readily understood by prospective students, parents, the public, and other educational programs.

8-103 The program discloses information about the achievement of learning outcomes and the success of graduates.

8-104 Accredited programs disclose their accreditation status in advertising and all relevant materials. Programs undergoing review for accreditation do not disclose their status as indicated in the Policy on Advertising of Accreditation Status.

9. Degree Programs

Programs are accredited at the doctoral, master’s, and bachelor’s level. Each program has objectives appropriate to its level as well as requirements for instruction in specific content areas. In each area the scope of training is expressed in terms of hours of contact with the instructor. Programs are allowed flexibility in terms of how they achieve the prescribed contact hours.

9-100 Faculty provide descriptive syllabi including learning objectives, methods of assessment, and assignment of grades for all the components in the curriculum. Distance education components meet the same standards as conventionally delivered components.

Doctoral Degree Programs

9-101 Standards.

9-101-00 The students demonstrate a systematic understanding of a field of study and mastery of the skills and methods of research associated with that field.

9-101-01 The students conceive, design, implement, and adapt a substantial process of research with scholarly integrity.

9-101-02 The students contribute through original research that extends the frontier of knowledge by developing a substantial body of work, some of which merits national or international refereed publication.

9-101-03 The students engage in critical analysis, evaluation, and synthesis of new and complex ideas, and can communicate with their peers, the larger scholarly community, and society in general about their areas of expertise.

9-102 Content Areas.

The program requires 585 hours of instruction, including course work and supervised experience. The work done in a master’s program may be counted in fulfillment of these doctoral degree requirements. For the doctoral degree, a dissertation is required; a thesis or equivalent is optional.

Principles of Behavior

Contact hours: 45

Purpose: To develop students’ competence in the use of technical terminology pertaining to the concepts and principles of behavior analysis.

Research Methods

Contact hours: 90

Purpose: To develop competence in measurement of behavior, data collection analysis and graphic representation, experimental design with particular emphasis on single subject design, and applicable statistical procedures.

Conceptual Analysis

Contact hours: 90

Purpose: To develop competence in the history and philosophy of behaviorism, theoretical approaches to understanding behavior, and interpretation of behavior in terms of the concepts and principles of behavior analysis.
Applied Behavior Analysis
Contact hours: 90
Purpose: To develop competence in the application of the principles of behavior and multiple areas of investigation and practice.

Basic Behavior Analysis
Contact hours: 90
Purpose: To develop competence in understanding how principles of behavior are discovered and described in the context of basic research.

Ethics
Contact hours: 45
Purpose: To understand legal constraints and ethical guidelines as pertinent to behavioral research and practice.

Specialized Elective
Contact hours: 45
Purpose: To develop competence in one or more specialized areas of behavioral investigation.

9-103 Supervised Experiential Learning.*
Hours of supervised experience: 90
Purpose: To develop skill in professional practice or research. Work to complete a thesis (or equivalent) and/or a dissertation may fulfill this requirement.

9-104 Thesis or Equivalent (Optional for Doctoral Degree Programs).
Contact hours as required by the institution.
Purpose: To develop competence in defining a research problem, designing a method to address the problem, and conducting and reporting an investigation that carries out the method to conclusion.

9-105 Dissertation.
Contact hours as required by the institution.
Purpose: To demonstrate independent scholarship in the context of an investigation that produces an original contribution to the basic, applied, or conceptual analysis of behavior.

Master's Degree Programs

9-106 Standards.

9-106-00 The students demonstrate knowledge and understanding founded upon bachelor’s-level studies.

9-106-01 Program extends and/or enhances knowledge typically associated with bachelor’s-level degree programs, and provides a basis or opportunity for originality in developing and/or applying ideas, often within a research context.

9-106-02 The students apply their knowledge and understanding and problem solving abilities in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their field of study.

9-106-03 The students communicate their conclusions, and the knowledge and rationale underpinning these, to specialist and non-specialist audiences clearly and unambiguously.

9-106-04 The students study in a manner that may be largely self-directed or autonomous.

9-107 Content Areas.
The program requires 405 hours of instruction, including course work and supervised experience.

Principles of Behavior
Contact hours: 45
Purpose: To develop students’ competence in the use of technical terminology pertaining to the concepts and principles of behavior analysis.

Research Methods
Contact hours: 45
Purpose: To develop competence in measurement of behavior, data collection analysis and graphic representation, and experimental design with particular emphasis on single subject design.

Conceptual Analysis
Contact hours: 45
Purpose: To develop competence in the history and philosophy of behaviorism, theoretical approaches to understanding behavior, and interpretation of behavior in terms of the concepts and principles of behavior analysis.

Applied Behavior Analysis
Contact hours: 90
Purpose: To develop competence in the application of the principles of behavior and multiple areas of investigation and practice.

Basic Behavior Analysis
Contact hours: 45
Purpose: To develop competence in understanding how principles of behavior are discovered and described in the context of basic research.

Ethics
Contact hours: 45
Purpose: To understand legal constraints and ethical guidelines as pertinent to behavioral research and practice.

9-108 Supervised Experiential Learning.*
Hours of supervised experience: 90
Purpose: To develop skill in professional practice or research. Work to complete a thesis or equivalent may fulfill this requirement.

9-109 Thesis or Equivalent.
Contact hours as required by the institution
Purpose: To develop competence in defining a research problem, designing a method to address the problem, and conducting and reporting an investigation that carries out the method to conclusion.

Bachelor's Degree Programs

9-110 Standards.
9-110-00 The students demonstrate knowledge and understanding in a field of study that builds upon their general secondary education, supported by advanced readings.
9-110-01 The students apply their knowledge and understanding in a manner that indicates a professional approach to their work or vocation, and have competencies typically demonstrated through devising and sustaining arguments and solving problems within their field of study.
9-110-02 The students gather and interpret relevant data (usually within their field of study) to inform judgments that include reflection on relevant social, scientific, or ethical issues.
9-110-03 The students communicate information, ideas, problems, and solutions to both specialist and non-specialist audiences.
9-110-04 The students have learning skills necessary to continue further study with a high degree of autonomy.

9-111 Content Areas.
The program requires 315 hours of instruction and supervised experience.

Principles of Behavior
Contact hours: 45
Purpose: To develop students' competence in the use of technical terminology pertaining to the concepts and principles of behavior analysis.

Research Methods
Contact hours: 45
Purpose: To develop competence in measurement of behavior, data collection analysis and graphic representation, and experimental design with particular emphasis on single subject design.

Conceptual Analysis
Contact hours: 45
Purpose: To develop competence in the history and philosophy of behaviorism, theoretical approaches to understanding behavior, and interpretation of behavior in terms of the concepts and principles of behavior analysis.

Basic Behavior Analysis
Contact hours: 45
Purpose: To develop competence in understanding how principles of behavior are discovered and described in the context of basic research.

Applied Behavior Analysis
Contact hours: 45
Purpose: To develop competence in the application of the principles of behavior and multiple areas of investigation and practice.

Ethics
Contact hours: 45
Purpose: To understand legal constraints and ethical guidelines as pertinent to behavioral research and practice.

9-112 Supervised Experiential Learning.*
Hours of supervised experience: 45

Purpose: To develop skill in professional practice or research.

*Supervised Experiential Learning (standards: 9-103, 9-108, 9-112)
Experiential learning can take place on or off campus, for example, in laboratories, educational settings, clinical settings, or organizations. It can take the form of basic or applied research or it can involve interventions that change behavior. The experiential learning requirement can be met through the student's professional employment if an appropriate level of supervision or oversight is provided by the program faculty and the experiential learning is a requirement for obtaining the degree – that is, if the experiential learning occurs before the degree is awarded. Regardless of the location or nature of the experience, it is incumbent on the program to show how it meets the Standards 2-106 through 2-109.
§52.44 Behavior analyst.

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a licensed behavior analyst, which meets the requirements of Subpart 79-17 of this Title, the program shall:

a. either:
   1. be a program in applied behavior analysis leading to a master’s or higher degree, which shall require at least one year of full-time study or the equivalent, which shall include seminars, tutorials, or other graduate level coursework in applied behavior analysis, as defined in section 8802 of the Education Law; or
   2. be a program in applied behavior analysis leading to an advanced certificate which ensures that each student holds a master’s or higher degree in subject areas, including, but not limited to, psychology, education or other subject areas that address learning and behavioral change as determined by the department;

b. include 405 clock hours of coursework in each of the following subjects or their equivalent as determined by the department:
   1. principles of behavior (45);
   2. basic behavior analysis (45);
   3. applied behavior analysis (90);
   4. conceptual analysis (45);
   5. research methodology, including, experimental design with particular emphasis on single subject design (45);
   6. professional ethics (45);
   7. supervised experiential learning (90);
   8. issues of cultural and ethnic diversity; and

c. include a supervised practicum or internship of a minimum of 150 clock hours, which is appropriate to the practice of applied behavior analysis, as such practice is defined in section 8802 of the Education Law.

79-17.1 Professional study for licensed behavior analysts.

a. Applicability. Applicants for licensure as a licensed behavior analyst on or after September 1, 2019 shall meet the professional education requirements for admission to the licensing examination set forth in subdivision (b) of this section.

b. General professional education requirements for applicants applying for licensure as a licensed behavior analyst.
   1. As used in this subdivision, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the
purpose of accrediting applied behavior analysis programs, having
accreditation standards that are substantially equivalent to the requirements
for programs registered as leading to licensure as a licensed behavior
analyst pursuant to section 52.44 of this Title, and applying its criteria for
granting accreditation of programs in a fair, consistent, and
nondiscriminatory manner.

2. To meet the professional education requirement for admission to the
licensing examination, the applicant shall present satisfactory evidence of:
   i. holding a master's or higher degree awarded upon successful
      completion of a master's or higher degree program in applied
      behavior analysis registered as leading to licensure pursuant to
      section 52.44 of this Title; or
   ii. holding a master's or higher degree awarded upon successful
      completion of a master's or higher degree program in applied
      behavior analysis that is substantially equivalent to a program
      registered as leading to licensure pursuant to section 52.44 of this
      Title as determined by the department, which program must be
      accredited by an acceptable accrediting agency or recognized by the
      appropriate civil authorities of the jurisdiction in which the program is
      offered as a program that prepares the applicant for professional
      practice as a licensed behavior analyst, and must be designed and
      conducted by the degree-granting institution to prepare graduates to
      practice applied behavior analysis independently; or
   iii. both:
      a. holding a master's or higher degree awarded upon successful
         completion of a master's or higher degree program in a related
         field acceptable to the department and registered pursuant to
         Part 52 of this Title or its substantial equivalent as determined
         by the department; and
      b. completing a credit bearing graduate-level program in applied
         behavior analysis in addition to such master's or higher degree
         study that is registered as leading to licensure pursuant to
         section 52.44 of this Title or substantially equivalent to such a
         registered program as determined by the department. Such
         equivalent program must be accredited by an acceptable
         accrediting agency or recognized by the appropriate civil
         authorities of the jurisdiction in which the program is offered as
         a program that prepares the applicant for professional practice
         as a licensed behavior analyst, and must be designed and
         conducted by the degree-granting institution to prepare
         graduates to practice professional applied behavior analysis
         independently.
79-17.2 Experience requirement for licensed behavior analysts.

a. For licensure, an applicant shall present evidence satisfactory to the State Board for Applied Behavior Analysis and the department of one year of full-time supervised experience, or the part-time equivalent thereof, such experience to consist of 2,000 clock hours, in accordance with the requirements of this section. Of such one-year of experience, at least 150 clock hours shall be gained during a master’s or higher degree program’s required supervised practicum or internship. The remaining supervised experience shall be gained as part of the master’s degree program or following the completion of all master’s or higher degree studies, including all mandated course content.

b. Content.

1. The experience shall consist of a planned programmed sequence of supervised experience in appropriate applied behavior analysis activities performed in accordance with the definition of the practice of applied behavior analysis as defined in section 8802 of the Education Law and satisfactory in quality, breadth, scope and nature.

2. In addition to other forms of satisfactory experience, the department, in its discretion, may accept up to one year of the following experience as satisfying the experience requirement for licensure:
   i. a college or university-approved master’s or higher degree level supervised practicum, internship, or field experience, any of which shall integrate applied behavior analysis knowledge and application; or
   ii. teaching the subject of applied behavior analysis as a faculty member for a minimum of six semester hours, provided that the teaching meets the requirements for acceptable experience imposed by this section.

c. Setting. For a setting to be acceptable to the department, it shall meet the following requirements:

1. The setting shall be a location which is legally authorized to provide services that constitute the practice of applied behavior analysis, as defined in section 8802 of the Education Law.

2. The setting shall provide supervision by an authorized health care practitioner, who currently diagnoses, prescribes, or orders treatment involving applied behavior analysis in his or her professional practice for persons with autism, autism spectrum disorders and related disorders, or an individual qualified to provide applied behavior analysis services, as determined by the department. The supervisor shall be responsible for the design, coordination, integrity, and quality of the applicant’s experience.

3. The setting shall provide titles to the unlicensed individuals gaining experience for licensure which clearly indicate their training status as required by section 8807(4) of the Education Law.
4. The setting in which the experience is gained shall be responsible for the services provided by individuals gaining experience for licensure.

d. Duration.
   1. *Full-time experience shall consist of at least 20 hours per week.*
   2. *Part-time experience shall consist of at least 10 hours per week but not more than 19 hours per week, which shall be distributed over at least two days per week.*

e. Supervision. The experience shall be supervised in accordance with the requirements of this subdivision.
   1. Qualifications for supervisors of the required experience. The supervisor of the experience shall meet the following requirements:
      i. experience obtained in New York State.
         a. the supervisor shall be a licensed behavior analyst; or
         b. an authorized health care practitioner who currently diagnoses, prescribes, or orders treatment involving applied behavior analysis in his or her professional practice;
      ii. experience obtained in other jurisdictions. The supervisor shall be licensed in a profession authorized to provide applied behavior analysis services in the jurisdiction where the supervised experience occurs;
      iii. the supervisor shall be the owner of, be employed by, or be retained by the entity providing the experience opportunities to the applicant who is gaining experience for licensure; and
      iv. in order to prevent a potential conflict of interest, the supervisor shall not be employed by the applicant nor be a member of the applicant’s family or an individual who has a close personal relationship with the applicant and/or his or her family.
   2. Supervision of the experience. Supervision shall occur weekly and shall include at least two hours per week of face-to-face individual supervision pertaining to services rendered; face-to-face supervision may utilize technology acceptable to the State Board for Applied Behavior Analysis and the department, including video-conferencing.
   3. Up to three hours of supervision shall be considered part of the hours of acceptable experience weekly.

79-17.3 Licensing examinations for licensed behavior analysts.

   a. Content. The licensing examination shall consist of an examination designed to test knowledge related to all areas of applied behavior analysis.
   b. The department may accept scores satisfactory to the State Board for Applied Behavior Analysis on an examination(s) acceptable to the State Board for Applied Behavior Analysis and the department, or an examination determined by the
department to be comparable in content, as meeting the requirement for passing the licensing examination.

c. Converted passing score. The applicant shall pass the examination with a converted score of at least 75, as determined by the State Board for Applied Behavior Analysis.

d. Admission to examination. An applicant will be approved for the examination when all requirements have been met, in the determination of the department.

79-17.4 Limited permits for licensed behavior analysts.

As authorized by section 8806 of the Education Law, the department may issue a limited permit to practice applied behavior analysis in accordance with the requirements of this section.

a. An applicant for a limited permit to practice as a licensed behavior analyst shall:
   1. file an application with the department on a form provided by the department together with the statutory fee for the limited permit;
   2. meet all the requirements for licensure as a licensed behavior analyst, except the examination and/or experience requirements;
   3. be of good moral character as determined by the department; and
   4. be under the supervision of a supervisor acceptable to the department in accordance with the requirements of section 79-17.2 of this Subpart for applicants for licensure as a licensed behavior analyst.

b. The limited permit in applied behavior analysis shall be issued for specific employment setting(s), acceptable to the department in accordance with the requirements of section 79-17.2 of this Subpart for applicants for licensure as a licensed behavior analyst.

c. The limited permit in applied behavior analysis shall be valid for a period of not more than 12 months, provided that a limited permit may be extended for an additional 12 months at the discretion of the department for good cause as determined by the department. The time authorized by such limited permit and subsequent extension shall not exceed 24 months in total.

§52.45 Behavior analyst assistant.

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to certification as a certified behavior analyst assistant, which meets the requirements of Subpart 79-18 of this Title, the program shall:
a. either:
   1. be a program in applied behavior analysis leading to a bachelor's or higher degree; or
   2. be a program in applied behavior analysis leading to a certificate which ensures that each student holds a bachelor's or higher degree in subject areas, including, but not limited to, psychology, education or other subject areas that address learning and behavioral change as determined by the department;

b. requires **315 hours of coursework including**, but not limited to, each of the following subjects or their equivalent as determined by the department:
   1. principles of behavior (45);
   2. conceptual analysis (45);
   3. basic behavior analysis (45);
   4. applied behavior analysis (45);
   5. research methodology, including experimental design with particular emphasis on single subject design (45);
   6. professional ethics (45);
   7. supervised experiential learning (45);
   8. issues of cultural and ethnic diversity; and

c. include practical supervised experience of a minimum of 100 clock hours, which is appropriate to the practice of applied behavior analysis, as such practice is defined in section 8802 of the Education Law.

**79-18.1 Professional study for certified behavior analyst assistants.**

a. Applicability. Applicants for certification as a certified behavior analyst assistant on or after September 1, 2019 shall meet the professional education requirements for admission to the licensing examination set forth in subdivision (b) of this section.

b. General professional education requirements for certification as a certified behavior analyst assistant.
   1. As used in this subdivision, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting applied behavior analysis programs, having accreditation standards that are substantially equivalent to the requirements for programs registered as leading to certification as a certified behavior analyst assistant pursuant to section 52.45 of this Title, and applying its criteria for granting accreditation of programs in a fair, consistent, and nondiscriminatory manner.
   2. To meet the professional education requirement for admission to the licensing examination, the applicant shall present satisfactory evidence of:
      i. holding a bachelor's or higher degree awarded upon successful completion of a bachelor's or higher degree program in applied behavior analysis registered as leading to certification pursuant to section 52.45 of this Title; or
ii. holding a bachelor's or higher degree awarded upon successful completion of a bachelor's or higher degree program in applied behavior analysis that is substantially equivalent to a program registered as leading to certification pursuant to section 52.45 of this Title, as determined by the department, which program must be accredited by an acceptable accrediting agency or recognized by the appropriate civil authorities of the jurisdiction in which the program is offered as a program that prepares an applicant for professional practice as a certified behavior analyst assistant, and must be designed and conducted by the degree-granting institution to prepare graduates to practice as a certified behavior analyst assistant; or

iii. both:
   a. holding a bachelor's or higher degree awarded upon successful completion of a bachelor's or higher degree program in a related field acceptable to the department and registered pursuant to Part 52 of this Title or its substantial equivalent as determined by the department; and
   b. completing a credit bearing certificate program in applied behavior analysis in addition to such bachelor's or higher degree study that is registered as leading to certification pursuant to section 52.45 of this Title or substantially equivalent to such a registered program as determined by the department. Such equivalent program must be accredited by an acceptable accrediting agency or recognized by the appropriate civil authorities of the jurisdiction in which the program is offered as a program that prepares the applicant for professional practice as a certified behavior analyst assistant, and must be designed and conducted by the degree-granting institution to prepare graduates to practice as an applied behavior analyst assistant.

79-18.2 Experience requirement for certified behavior analyst assistants.

a. For licensure, an applicant shall present evidence satisfactory to the State Board for Applied Behavior Analysis and the department of one year of full-time supervised experience, or the part-time equivalent thereof, such experience to consist of 1,300 clock hours, in accordance with the requirements of this section. Of such one-year of experience, at least 100 clock hours shall be gained during a bachelor’s or higher degree program’s required practical experience. The remaining supervised experience shall be gained as part of the bachelor’s or higher degree program or following the completion of all bachelor’s or higher degree studies, including all mandated course content.
b. Content.
   1. The experience shall consist of a planned programmed sequence of supervised experience in appropriate applied behavior analysis activities performed in accordance with the definition of the practice of applied behavior analysis as defined in section 8802 of the Education Law and satisfactory in quality, breadth, scope and nature.
   2. In addition to other forms of satisfactory experience, the department, in its discretion, may accept up to 600 clock hours of the following experience as satisfying the experience requirement for licensure:
      i. a college or university-approved bachelor's or higher degree supervised practicum, internship, or field experience, any of which shall integrate applied behavior analysis knowledge and application; or
      ii. a college or university-approved master's or higher degree level supervised practicum, internship, or field experience, any of which shall integrate applied behavior analysis knowledge and application.

c. Setting. For a setting to be acceptable to the department, it shall meet the following requirements:
   1. The setting shall be a location which is legally authorized to provide services that constitute the practice of applied behavior analysis, as defined in section 8802 of the Education Law.
   2. The setting shall provide supervision by an individual qualified to provide applied behavior analysis services, as determined by the department, who is responsible for the design, coordination, integrity, and quality of the applicant's experience.
   3. The setting shall provide titles to the unlicensed individuals gaining experience for certification which clearly indicate their training status as required by section 8807(4) of the Education Law.
   4. The setting in which the experience is gained shall be responsible for the services provided by individuals gaining experience for certification.

d. Duration.
   1. Full-time experience shall consist of at least 10 hours per week.
   2. Part-time experience shall consist of at least five hours per week but not more than nine hours per week.

e. Supervision. The experience shall be supervised in accordance with the requirements of this subdivision.
   1. Qualifications for supervisors of the required experience. The supervisor of the experience shall meet the following requirements:
      i. the supervisor shall be a licensed behavior analyst or licensed in a profession authorized to provide applied behavior analysis services in the jurisdiction where the supervised experience occurs;
      ii. the supervisor shall be the owner of, be employed by, or be retained by the entity providing the experience opportunities to the applicant who is gaining experience for certification; and
iii. in order to prevent a potential conflict of interest, the supervisor shall not be employed by the applicant nor be a member of the applicant’s family or an individual who has a close personal relationship with the applicant and/or his or her family.

2. Supervision of the experience. Supervision shall occur weekly and shall include at least one hour per week of face-to-face individual supervision pertaining to services rendered; face-to-face supervision may utilize technology acceptable to the State Board for Applied Behavior Analysis and the department, including video-conferencing.

3. Up to two hours of supervision shall be considered part of the hours of acceptable experience weekly.

79-18.3 Licensing examination for certified behavior analyst assistants.

a. Content. The licensing examination shall consist of an examination designed to test knowledge related to all areas of applied behavior analysis.

b. The department may accept scores satisfactory to the State Board for Applied Behavior Analysis on an examination(s) acceptable to the State Board for Applied Behavior Analysis and the department, or an examination determined by the department to be comparable in content, as meeting the requirement for passing the licensing examination.

c. Converted passing score. The applicant shall pass the examination with a converted score of at least 75, as determined by the State Board for Applied Behavior Analysis.

d. Admission to examination. An applicant will be approved for examination when all requirements have been met, in the determination of the department.

79-18.4 Limited permits for certified behavior analyst assistants.

As authorized by section 8806 of the Education Law, the department may issue a limited permit to practice applied behavior analysis in accordance with the requirements of this section.

a. An applicant for a limited permit to practice as a certified behavior analyst assistant shall:

   1. file an application with the department on a form provided by the department together with the statutory fee for the limited permit;
   2. meet all the requirements for certification as a certified behavior analyst assistant, except the examination and/or experience requirements;
   3. be of good moral character as determined by the department; and
4. be under the supervision of a supervisor acceptable to the department in accordance with the requirements of section 79-18.2 of this Subpart for applicants for certification as a certified behavior analyst assistant.
b. The limited permit in applied behavior analysis shall be issued for specific employment setting(s), acceptable to the department in accordance with the requirements of section 79-18.2 of this Subpart for applicants for certification as a certified behavior analyst assistant.
c. The limited permit in applied behavior analysis shall be valid for a period of not more than 12 months, provided that a limited permit may be extended for an additional 12 months at the discretion of the department for good cause as determined by the department. The time authorized by such limited permit and subsequent extension shall not exceed 24 months in total.