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## **OLR Bill Analysis**

**SB 799 (File 420, as amended by Senate "A")\***

### ***AN ACT CONCERNING MISREPRESENTATION AS A BOARD CERTIFIED BEHAVIOR ANALYST.***

#### **SUMMARY:**

This bill makes it a crime for anyone to represent himself or herself as a "board certified behavior analyst" (BCBA) or a "board certified assistant behavior analyst" (BCABA) unless certified by the Behavior Analyst Certification Board.

Under the bill, an individual must be board certified as a BCBA or BCABA in order to use, in connection with his or her name, (1) the words "board certified behavior analyst," "certified behavior analyst," "board certified assistant behavior analyst," or "certified assistant behavior analyst"; (2) the letters "BCBA" or "BCABA"; or (3) any words, letters, abbreviations, or insignia indicating or implying that he or she is a board certified behavior analyst or board certified assistant behavior analyst or in any way, orally, in writing, in print or design, directly or by implication, representing him or herself as such.

A person violating these provisions is guilty of an unclassified felony punishable by up to a \$500 fine, imprisonment for up to five years, or both. Each illegal contact or consultation constitutes a separate offense.

The Behavior Analyst Certification Board is a nonprofit corporation that is (1) established to meet the professional credentialing needs of behavior analysts, governments, and consumers of behavior analysis services and (2) accredited by the National Council for Certifying Agencies, or any successor national accreditation organization.

\*Senate Amendment "A" specifies that the board is accredited by the national Council for Certifying Agencies, and limits the

applicability of the bill's definitions.

EFFECTIVE DATE: October 1, 2011

## **BACKGROUND**

### ***Board Certified Behavior Analysts and Autism Services***

Starting July 1, 2012, the law requires school districts to use only behavior analysts licensed or certified in accordance with its requirements to provide applied behavior analysis for students with autism spectrum disorders who require the services (1) according to a special education individualized education program or (2) under an educational plan established under section 504 of the federal Rehabilitation Act of 1973 (PA 10-175; CGS § 10-76ii).

Under the law, to qualify to provide these services on and after July 1, 2012, a person must be either (1) licensed by the Department of Public Health or certified by the State Department of Education (SDE) and the services must be within the scope of the license or certificate or (2) certified by the Behavior Analyst Certification Board as a behavior analyst or assistant behavior analyst. Assistant behavior analysts must work under a behavior analyst's supervision.

If the education commissioner determines that there are not enough certified or licensed behavior analysts to provide the required services, the act allows the commissioner to authorize people with the following qualifications to provide them, if they are supervised by a board-certified behavior analyst:

1. a bachelor's degree in a related field and
2. at least (a) nine credit hours of course work in a course sequence approved by the Behavior Analyst Certification Board or (b) course work meeting the requirements to sit for the behavior analyst certification exam.

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 28 Nay 0 (03/21/2011)

Judiciary Committee

Joint Favorable

Yea 36 Nay 0 (04/26/2011)