



Senate

General Assembly

File No. 420

January Session, 2011

Senate Bill No. 799

Senate, April 6, 2011

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING MISREPRESENTATION AS A BOARD CERTIFIED BEHAVIOR ANALYST.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) As used in this section
2 and sections 10-76ii and 38a-514b of the general statutes:

3 (1) "Behavior Analyst Certification Board" means the nonprofit
4 corporation established and accredited to meet the professional
5 credentialing needs of behavior analysts, governments and consumers
6 of behavior analysis services;

7 (2) "Board certified behavior analyst (BCBA)" means a person who
8 has been certified as a behavior analyst by the Behavior Analyst
9 Certification Board; and

10 (3) "Board certified assistant behavior analyst (BCABA)" means a
11 person who has been certified as an assistant behavior analyst by the
12 Behavior Analyst Certification Board.

13 (b) No person, unless certified by the Behavior Analyst Certification
 14 Board as a board certified behavior analyst or a board certified
 15 assistant behavior analyst, shall use in connection with his or her name
 16 or place of business: (1) The words "board certified behavior analyst",
 17 "certified behavior analyst", "board certified assistant behavior analyst"
 18 or "certified assistant behavior analyst", (2) the letters, "BCBA" or
 19 "BCABA", or (3) any words, letters, abbreviations or insignia indicating
 20 or implying that he or she is a board certified behavior analyst or
 21 board certified assistant behavior analyst or in any way, orally, in
 22 writing, in print or by sign, directly or by implication, represent
 23 himself or herself as a board certified behavior analyst or board
 24 certified assistant behavior analyst. Any person who violates the
 25 provisions of this section shall be fined not more than five hundred
 26 dollars or imprisoned not more than five years, or both. For the
 27 purposes of this section, each instance of contact or consultation with
 28 an individual which is in violation of any provision of this section shall
 29 constitute a separate offense.

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2011</i> | New section |

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 12 \$ | FY 13 \$ |
|------------------------|-----------------------------|------------------|------------------|
| Judicial Dept. | GF - Potential Revenue Gain | Less than 15,000 | Less than 15,000 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a fee of up to \$500 and/or imprisonment of up to five years for falsely representing oneself as a 'board certified behavior analyst', which will result in a revenue gain to the General Fund of less than \$15,000. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated less than 25 offenders annually would be prosecuted and receive harsher penalties than under current law.¹

It is anticipated that the number of additional offenders placed on probation would be less than 25, and would not result in additional resources being required by the Judicial Department.

The Out Years

The annualized ongoing revenue identified above would remain constant into the future since fine amounts are set by statute.

¹ In 2010, zero convictions were made for this offense, as it was not specified in statute as a fine and/or term of imprisonment.

OLR Bill Analysis**SB 799*****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 board is a nonprofit corporation established and accredited to meet the professional credentialing needs of behavior analysts, governments, and consumers of behavior analysis services.

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)