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Written Testimony Regarding: SB 1089 Sections 23-29

BEACON Services of Connecticut (Beacon) has been honored to serve as an autism specialty service provider to Birth to Three (B23) since 2010. During that period, Beacon has served hundreds of families in communities across Connecticut affected by Autism Spectrum Disorders (ASD) through both the Birth to Three program and commercial health-care insurance. Beacon is dedicated to using empirically validated teaching procedures to support the development of young children diagnosed with an ASD diagnosis and their families. The practice provides individualized instruction using the clinical practices of Applied Behavior Analysis (ABA).

As one of one the largest ABA practices in Connecticut, Beacon supports the passage of SB 1089 Sections 23-29 which would develop a license for behavior analysts.

Since the ground-breaking research of Ivar Lovaas was published in 1987, the field of Applied Behavior Analysis (ABA) has sought to provide effective evidenced-based treatment to individuals impacted by ASD. ABA is now the nationally recognized treatment for individuals with ASD and has been validated by numerous peer reviewed journal articles. Behavior analysis has also been recognized as the treatment of choice by a variety of regulatory bodies and well-respected public officials (The National Research Council, 2011, The Maine Administrators of Services for Children with Disabilities, 2002, The New York State Department of Health Clinical Practice Guidelines, 1993, The U.S. Surgeon General's Report, 1995).

Since 1998, the Behavior Analyst Certification Board (BACB) has been the single governing body governing the professionals working in the field of applied behavior analysis. Under certification, the field has thrived resulting in increased numbers of BACB certificants and the creation of new graduate training programs with coursework concentrations in ABA. Within the last five years, individual states have begun the process of licensing behavior analysts. There are currently 14 states that have adopted laws licensing Behavior Analysts.

Board Certified Behavior Analysts (BCBA) has provided ABA services in Connecticut for over 13 years. During that period, BCBA's have distinguished themselves through peer-reviewed

publications, increased employment on the local/state level, and were specifically written into Connecticut's Autism Treatment Law (Public Act No. 09-115). Connecticut has the unique status of possessing one of the densest concentrations (on a per capita basis) of BACB certificants in the world, with a total of 458 BCBA/BCaBAs. BCBAs are employed statewide in public schools, private schools, hospitals, and home based service agencies.

The primary rationale for support of SB 1089 Sections 23-29 is to increase consumer protection for individuals receiving behavior analytic services. Currently, the responsibility for protecting consumers served by BCBAs falls under the auspices of the BACB's disciplinary review committee. The BACB review committee has been very effective in monitoring complaints and identifying individuals fraudulently claiming certification. However, this committee reviews only those behavioral professionals who hold a BACB certificate. An individual that practices applied behavior analysis without a certification and does not claim to be a BACB certificant would not be subject to the authority of the BACB review committee. It is also important to note that the BACB has limited investigation and enforcement capacity, where the harshest action administered by the review committee is limited to the revocation of an active BACB certificate.

With the establishment of Behavior Analyst licensure, the Constitution State would have the authority to conduct local investigations into claims of professional misconduct or misrepresentation using the resources of a local state investigatory department. A state licensing board investigation would also provide the BACB review committee additional evidence for potential professional misconduct. The BACB review committee would also gain increased enforcement authority by referring certificants that also hold a state license to local state licensing boards for potential violations of professional practice.

Behavior Analysts work with some of the most vulnerable and disabled populations. In Connecticut, ABA services are often conducted in schools or homes by non-certified paraprofessional staff under the supervision of a BCBA. Licensure will offer families a formal and independent process to investigate accusations of misconduct with the potential to prosecute those who violate their scope of practice or the BACB Guidelines for Responsible Conduct.

These increased regulatory standards would also serve to protect the field, as all practitioners of ABA would be subject to regulatory standards consistent with other established licensed professional disciplines (such as speech language therapists, physical therapists, and psychologists).

SB 1089 Sections 23-29 also contains a clear description of the Licensed Behavior Analyst's (LBA's) scope of professional practice. This scope of practice defines the procedures, actions, and processes that are permitted for licensed individuals. SB 1089 Sections 23-29 scope of practice is a contemporary and evidenced based description that covers the scope of professional duties of a practicing behavior analyst.

SB 1089 Sections 23-29 also specifies some clarifications and restrictions of practice as a behavior analyst. For example, LBA's would be prohibited from psychological testing, neuropsychological assessment, diagnosis of psychiatric conditions, psychotherapy, cognitive

therapy, sex therapy, psychoanalysis and hypnotherapy. This bill would not prohibit those BCBA's who are also licensed psychologists from engaging in those activities while representing themselves as psychologists. Implementation of SB 1089 Sections 23-29 would not restrict or prohibit psychologists or other helping professionals from treating others utilizing the principles or procedures of ABA. The legislation would only prohibit individuals from promoting themselves as an LBA without a supporting license. Psychologists would be permitted to treat clients utilizing ABA or behavior procedures if they were properly trained as defined through their professional scope of practice.

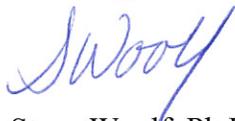
Beacon has one recommendation to SB 1089. LBAs and BCBA's often supervise home-based behavioral programs for children and families affected by ASD. These home-based services are provided by non-certified direct service staff. Section 24 (C) 1 does not clearly define the supervision relationship between the direct service staff and LBA/BCBA. Section 24 (a) states:

"No person may practice 457 behavior analysis or assist in the practice of behavior analysis unless 458 licensed pursuant to sections 25 and 26 of this act."

As a result, it is critical that Section 24 (C) 1 be revised to state that "direct service staff may provide behavioral analysis services under the supervision of a LBA." This statement would remove the ambiguity of Section 24 (C) 1 and prevent a potential service calamity in the event home-based behavioral services were abruptly terminated to hundreds of families over a legal technicality.

As written, SB 1089 Sections 23-29 has the support of the Connecticut Association for Behavior Analysis (CTABA). BEACON Services of Connecticut agrees with the Association's position and believes SB 1089 Sections 23-29 has the potential to ensure the growth and expansion of the field and most importantly ensures that the citizens of Connecticut will receive the consumer protections they require to guarantee access to effective treatment.

Sincerely,



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CC: Robert F. Littleton Jr., President and Founder