

Behavior Analyst Licensing Bill Talking Points (Draft 2/16/24)

Note: focus of licensure in Minnesota is protection of the public that outweighs State policy not to infringe on people's livelihood, so be sure to emphasize public protection in conversations with legislators. For example, you are aware of some specific practices that are being used that should be regulated or you are aware of a practitioner who is claiming to be a skilled behavior analyst, but they are providing substandard services. Or you emphasize the vulnerability of the populations served and the importance of treatment fidelity and supervision.

The Minnesota Northland Association for Behavior Analysis (MNABA) has over 250 professional, academic, and student members. The Autism Treatment Association of Minnesota (ATAM) is a trade group composed of 13 agency members of both in home and center based providers. These agencies serve over 6,000 children and adults in their homes, schools, community, and service centers through a variety of professions, including behavior analysis.

These organizations, along with the Board of Psychology and the Minnesota Psychological Association, support passage of HF 3741(Edelson)/SF 3523(Kupec), a behavior analyst licensing bill to protect these vulnerable populations and provide a local process to investigate complaints and discipline bad actors where allegations are proven.

The Council of Minnesota Health Boards has recommended that behavior analysts be licensed in Minnesota based on the National Behavior Analysis Certification Board (BACB) credential. There are 470 BCBAs and BCaBAs who hold that credential in Minnesota. Thirty-seven other States, including all surrounding States, have laws regulating behavior analysts in place already.

The intent of this bill is to license behavior analysts without impacting existing numbers of licensed professionals who can provide needed mental health interventions in a timely manner. The bill includes exemptions for any professionals who currently provides behavior analytic services within an existing scope of practice or employment, i.e. psychology or some school employees.

The bill also creates a Behavior Analyst Advisory Council that will collaborate with the Board of Psychology in implementing the Minnesota License.

The cost to create licensure in Minnesota will be nominal as the licensure will be housed at the existing Board of Psychology.

The Minnesota Department of Health estimates that there are 100,000 children in Minnesota with behavioral health needs. 32,000 children in Minnesota have Medical Assistance for behavioral health needs. 6,700 children are served in the MA EIDBI early intervention program.

A Minnesota licensure protects the public by discouraging unlicensed or sanctioned behavior analysts from moving into Minnesota and competent behavior analysts from moving out of the State for better career or funding prospects.

With licensure, consumers have assurances that come with knowing a behavior analyst has a license and the benefit of a local process to file a complaint. Currently, there exists no oversight or complaint process for a consumer of behavior analysis to file a complaint today short of costly civil litigation or the criminal justice system. These existing processes do nothing to prevent the behavior analyst from continuing to provide services to others.

Licensure provides recognition and parity with other Minnesota health professions like psychology, marriage and family therapy, social work, speech language pathology and occupational therapy. It also expands a career pathway that can lead to retention and recruitment of critical providers to meet the demand for these services in the years to come.

Handout of the BACB State map and refer to BACB website