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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- LICENSING OF APPLIED
BEHAVIOR ANALYSTS

Introduced By: Senators Gallo, Tikoian, DiPalma, Ciccone, LaMountain, and Murray

Date Introduced: March 14, 2025

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-86-2, 5-86-3, 5-86-8, 5-86-9, 5-86-10, 5-86-21 and 5-86-26 of the
2 General Laws in Chapter 5-86 entitled "Licensing of Applied Behavior Analysts" are hereby
3 amended to read as follows:

4 **5-86-2. Definitions.**

5 As used in this chapter, the following terms shall be construed as follows:

6 (1) “Applied behavior analyst” means a person licensed to practice applied behavior
7 analysis under the provisions of this chapter and the rules and regulations authorized by this
8 chapter.

9 (2) “Applied behavior analyst aide” means a person not licensed pursuant to the laws and
10 rules applicable to the practice of applied behavior analysis, who works under the supervision of a
11 licensed applied behavior analyst, who assists in the practice of applied behavior analysis and
12 whose activities require an understanding of applied behavior analysis, but do not require
13 professional or advanced training in the basic anatomical, psychological, and social sciences
14 involved in the practice of applied behavior analysis.

15 (3) “~~Applied behavior assistant analyst~~ Assistant applied behavior analyst” means a person
16 licensed who practices applied behavior analysis under the provisions of this chapter and the rules
17 and regulations authorized by this chapter.

18 (4) “Board” means the licensing board of applied behavior analysts within the Rhode Island

1 department of health, established pursuant to the provisions of § 5-86-4.

2 (5) “Department” means the Rhode Island department of health.

3 (6) “Director” means the director of the Rhode Island department of health.

4 (7) “Education” means the academic program pursued by the person in obtaining the
5 bachelor’s, master’s, or doctorate degree, that the programs to include formal course work,
6 seminars, and practica.

7 (8) “Psychologist with equivalent experience” means a person deemed to hold equivalent
8 licensure as an applied behavior analyst upon satisfying equivalency requirements through
9 submission and satisfaction of written evidence of education and relevant experience to the
10 department pursuant to § 5-86-9(c).

11 (9) “Practice of applied behavior analysis” means the design, implementation, and
12 evaluation of environmental modifications by a behavior analyst to produce socially significant
13 improvements in human behavior. It includes the empirical identification of functional relations
14 between environment and behavior, known as functional assessment and analysis. Applied
15 behavior analysis interventions are based on scientific research and the direct observation and
16 measurement of behavior and environment. They utilize contextual factors, establishing operations,
17 antecedent stimuli, positive reinforcement, and other consequences to help people develop new
18 behaviors, increase or decrease existing behaviors, and emit behaviors under specific
19 environmental conditions. The practice of applied behavior analysis expressly excludes
20 psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy,
21 psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities. Such services are
22 provided by a person licensed under this chapter only when applied behavior analysis services are
23 prescribed by a child psychiatrist, a behavioral developmental pediatrician, a child neurologist, or
24 a licensed psychologist with training in child psychology pursuant to § 27-20.11-4.

25 (10) “Supervised experience” means the practical application of principles, methods, and
26 procedures of the science of applied behavioral analysis in accordance with the requirements of §
27 5-86-9.

28 (11) “Supervision” means that a licensed applied behavior analyst is at all times responsible
29 for supportive personnel and clients.

30 (12) “These regulations” mean all parts of Rhode Island rules and regulations for licensing
31 applied behavior analysts, ~~applied behavior assistant analysts~~ assistant applied behavior analysts,
32 and psychologists with equivalent experience.

33 (13) “Training” means the pre-professional or professional-supervised experience received
34 by the person at the pre or post-doctoral level, that experience to have been obtained in an

internship, clinic, or other similar professional setting.

5-86-3. Licensing.

(a) Any individual licensed under this chapter may use the title “licensed applied behavior analyst” and the abbreviation “LBA” or the title “licensed ~~applied behavior assistant analyst~~ [assistant applied behavior analyst](#)” and the abbreviation “LABA,” or the title “psychologist with equivalent experience,” provided that the title and abbreviation correspond to the license held pursuant to this chapter.

(b) It is unlawful for any person to represent herself or himself as a licensed applied behavior analyst, LBA, licensed ~~applied behavior assistant analyst~~ [assistant applied behavior analyst](#), LABA, or psychologist with equivalent experience, unless he or she is licensed as a licensed applied behavior analyst or licensed ~~applied behavior assistant analyst~~ [assistant applied behavior analyst](#) or licensed as a psychologist with equivalent experience pursuant to the provisions of this chapter.

(c) A licensed applied behavior analyst, licensed ~~applied behavior assistant analyst~~ [assistant applied behavior analyst](#), or psychologist with equivalent experience, is not required to be an employee of a prescribing profession or organization, and may work for a public or private agency or in private practice in accordance with the requirements of § 5-86-9.

(d) Licensed applied behavior analysts, licensed ~~applied behavior assistant analysts~~ [assistant applied behavior analysts](#), and psychologists with equivalent experience are responsible for following all applicable federal and state laws and regulations regarding the confidentiality of medical records.

5-86-8. Register of applied behavior analysts — Licensing records — Issuance of licenses.

The department shall maintain a register of all licensed applied behavior analysts, licensed ~~applied behavior assistant analysts~~ [assistant applied behavior analysts](#), and psychologists with equivalent experience under this chapter which shall be open at all reasonable times to public inspection and updated regularly. The department shall be the custodian of all records pertaining to the licensing of applied behavior analysts, ~~applied behavior assistant analysts~~ [assistant applied behavior analysts](#), and psychologists with equivalent experience.

5-86-9. Qualifications and examinations for licensing.

(a) An applicant for licensure as a licensed applied behavior analyst shall submit to the board written evidence on forms furnished by the department that the applicant:

(1) Is of good moral character;

(2) Has obtained a graduate degree in applied behavior analysis or a related field, as

1 approved by the board, from a college or university accredited by the New England Association of
2 Schools and Colleges, or an equivalent regional accrediting agency, and that has the approval by a
3 national or regional certifying authority, including, but not limited to, the applied behavior analyst
4 licensing board;

5 (3) Has successfully completed the amount of coursework in applied behavior analysis
6 acceptable to the board;

7 (4) Has appropriate supervised experience [that aligns with the behavior analyst certification](#)
8 [boards \(BACB\) supervision requirements](#) to include either: (i) One year, including one thousand
9 five hundred (1,500) hours of supervised independent fieldwork in applied behavior analysis. The
10 distribution of supervised independent fieldwork hours must be at least ten (10) hours per week,
11 but not more than thirty (30) hours per week, for a minimum of three (3) weeks per month; (ii) One
12 thousand (1,000) hours of practicum in behavior analysis within a university experience program
13 approved by the national or regional certifying authority. The distribution of practicum hours must
14 be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a
15 minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750) hours of intensive
16 practicum in behavior analysis within a university experience program approved by the national or
17 regional certifying authority. The distribution of intensive practicum hours must be at least ten (10)
18 hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3)
19 weeks per month;

20 (5) Has passed the ~~relevant examination administered by an appropriate nationally~~
21 ~~recognized accrediting organization as approved by the department of health for this function~~
22 [behavior certification behavior analyst \(BCBA\) examination administered by the behavior analyst](#)
23 [certification board \(BACB\)](#);

24 (6) Has maintained active status and fulfilled all relevant requirements for renewal and
25 relicensing with the ~~nationally recognized and accredited organization(s) as approved by the~~
26 ~~department of health licensing~~ [behavior analyst certification board](#);

27 (7) Conducts his or her professional activities in accordance with ~~accepted standards for~~
28 ~~responsible professional conduct, as approved by the Rhode Island applied behavior analyst~~
29 ~~licensing board~~ [the ethical guidelines and standards outlined by the behavior analyst certification](#)
30 [board \(BACB\)](#); and

31 (8) Meets the criteria as established in § 5-86-12.

32 (b) An applicant for licensure as a licensed ~~applied behavior assistant analyst~~ [assistant](#)
33 [applied behavior analyst](#) shall submit to the board written evidence on forms furnished by the
34 department that the applicant:

- 1 (1) Is of good moral character;
- 2 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved by
3 the board, from a college or university accredited by the New England Association of Schools and
4 Colleges, or an equivalent regional accrediting agency, and that has the approval by a national or
5 regional certifying authority, including, but not limited to, the applied behavior analyst licensing
6 board;
- 7 (3) Has successfully completed the amount of coursework in applied behavior analysis
8 acceptable to the board;
- 9 (4) Has appropriate supervised experience to include either: (i) One thousand (1,000) hours
10 of supervised independent fieldwork in applied behavior analysis. The distribution of supervised
11 independent fieldwork hours must be at least ten (10) hours per week, but not more than thirty (30)
12 hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred seventy (670) hours
13 of practicum in behavior analysis within a university experience program approved by the national
14 or regional certifying board. The distribution of practicum hours must be at least ten (10) hours per
15 week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per
16 month; or (iii) Five hundred (500) hours of intensive practicum in behavior analysis within a
17 university experience program approved by the national or regional certifying board. The
18 distribution of intensive practicum hours must be at least ten (10) hours per week, but not more
19 than twenty-five (25) hours per week, for a minimum of three (3) weeks per month;
- 20 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the
21 board's requirements for supervision of licensed ~~applied behavior assistant analysts~~ assistant
22 applied behavior analysts;
- 23 (6) Has passed the examination administered by an appropriate nationally recognized
24 accrediting organization as approved by department of health licensing for this function;
- 25 (7) Has maintained active status and fulfilled all relevant requirements for renewal and
26 relicensing with the nationally recognized and accredited organization(s) as approved by the
27 department of health licensing;
- 28 (8) Conducts his or her professional activities in accordance with accepted standards for
29 responsible professional conduct, as required by the Rhode Island applied behavior analyst
30 licensure board; and
- 31 (9) Meets the criteria as established in § 5-86-11.

32 ~~(c) An applicant shall be judged to hold the equivalent requirement of a licensure as an~~
33 ~~applied behavior analyst upon submission to the board, written evidence on forms furnished by the~~
34 ~~department if the following equivalency requirements are met to the satisfaction of the licensing~~

board:

(1) ~~Has received a doctoral degree in psychology from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accrediting agency, and that has the approval by a national or regional certifying authority;~~

(2) ~~Is individually licensed by the department of health as a psychologist subject to chapter 44 of this title;~~

(3) ~~Is of good moral character;~~

(4) ~~Has completed coursework in applied behavior analysis supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program recognized by the United States Department of Education, or education and/or experience that is deemed equivalent by the board;~~

(5) ~~Has completed one thousand five hundred (1,500) hours of direct client contact offering applied behavior analysis services subsequent to being awarded a doctoral degree in psychology;~~

(6) ~~Conducts his or her professional activities in accordance with accepted standards for responsible professional conduct, as required by the Rhode Island applied behavior analyst licensure board; and~~

(7) ~~Meets the criteria as established in § 5-86-12.~~

5-86-10. Licensure.

A license [under this chapter](#) may be issued to:

(1) ~~An~~ [any](#) applicant who meets the requirements for licensure as approved by the department of health and licensed as a licensed applied behavior analyst, licensed ~~applied behavior assistant analyst~~ [assistant applied behavior analyst](#), or psychologist with equivalent experience as stated in this chapter; ~~and~~

(2) ~~An applicant who has been certified by an appropriate nationally recognized and accredited organization, as approved by the department of health, licensing and licensed as a licensed applied behavior analyst, licensed applied behavior assistant analyst, or psychologist with equivalent experience under the laws of another state, United States territory, or foreign country where the board determines that the requirements are substantially equivalent to those of this state.~~

5-86-21. Persons and practices exempt.

(a) No provision of this chapter shall be construed to prevent members of other recognized professions who are licensed, certified, or regulated for independent practice of that profession under the laws of this state from rendering services consistent with their professional training and code of ethics and scope of practice as defined in the relevant licensure act, provided that they do not represent themselves to be licensed applied behavior analysts, licensed ~~applied behavior~~

1 ~~assistant analysts~~ assistant applied behavior analysts, or psychologists with equivalent experience.
2 Recognized members of the clergy shall not be restricted from functioning in their ministerial
3 capacity, provided that they do not represent themselves to be applied behavior analysts, licensed
4 ~~applied behavior assistant analysts~~ assistant applied behavior analysts, or psychologists with
5 equivalent experience.

6 (b) Nothing in this chapter shall be construed to prohibit teachers, guidance personnel,
7 social workers, and school psychologists in public or private schools from full performance of their
8 duties, nor to prohibit the use of applied behavior analytic techniques by business or industrial
9 organizations or companies for employment, placement, evaluation, promotion, or job adjustment
10 of their own officers or employees.

11 (c) Nothing in this section shall be construed as prohibiting the use of consultants who are
12 defined as qualified intellectual disability professionals under the Code of Federal Regulations
13 (C.F.R.) 42 C.F.R. § 483.430 by facilities licensed as intermediate-care facilities for people who
14 are developmentally disabled by the department of behavioral healthcare, developmental
15 disabilities and hospitals.

16 (d) Nothing in this chapter shall be construed as permitting licensed applied behavior
17 analysts, licensed ~~applied behavior assistant analysts~~ assistant applied behavior analysts, or
18 psychologists with equivalent experience to practice medicine as defined by the laws of this state.

19 (e) Nothing in this section shall be construed as permitting those persons identified in
20 subsections (b) and (f) of this section to offer their services to any persons or organizations other
21 than those listed in subsection (f) of this section as consultants or to accept remuneration for any
22 behavior analytic services other than that of their institutional salaries or fees unless they have been
23 licensed under this chapter or exempted under subsection (a) of this section.

24 (f) Nothing in this section shall be construed as prohibiting those persons who are
25 implementing applied behavior analysis services to an immediate family member or as a paid or
26 volunteer caregiver, if the individual or caregiver does not represent himself or herself as a licensed
27 applied behavior analyst, licensed ~~applied behavior assistant analyst~~ assistant applied behavior
28 analyst, or psychologist with equivalent experience.

29 (g) An applied behavior analyst licensed or certified in another state or United States
30 territory may perform applied behavior analysis services in this state without obtaining a license
31 for up to ten (10) calendar days per calendar year with no more than five (5) days of this activity
32 occurring consecutively. The calendar day limit shall not apply to services as an expert witness in
33 a legal proceeding.

34 (h) Nothing in this section shall be construed as prohibiting any person pursuing a

1 supervised course of study leading to a degree or certificate in applied behavior analysis at an
2 accredited or approved educational program if the person is designated by a title that clearly
3 indicates his or her status as a student or trainee.

4 (i) Nothing in this section shall be construed as prohibiting any persons fulfilling the
5 supervised fieldwork experience requirement of this section.

6 **5-86-26. Supervision.**

7 (a) A licensed applied behavior analyst shall exercise sound judgment and shall provide
8 care within the scope of practice or guidelines in the performance of his or her duties. A licensed
9 applied behavior analyst shall be permitted to supervise the following: applied behavior analysts,
10 ~~applied behavior assistant analysts~~ assistant applied behavior analysts, applied behavior analyst
11 aides, care extenders, applied behavior analyst students, and volunteers.

12 (b) Subject to the requirements of this section, a licensed ~~applied behavior assistant analyst~~
13 assistant applied behavior analyst may practice limited applied behavior analysis only under the
14 supervision of a licensed applied behavior analyst. Supervision requires, at a minimum, that the
15 supervising licensed applied behavior therapist meet in person with the licensed ~~applied behavior~~
16 ~~assistant analyst~~ assistant applied behavior analyst to provide initial direction and periodic on-site
17 supervision. The supervising licensed applied behavior analyst working with the ~~applied behavior~~
18 ~~assistant analyst~~ assistant applied behavior analyst shall determine the amount and type of
19 supervision necessary in response to the experience and competence of the licensed ~~applied~~
20 ~~behavior assistant analyst~~ assistant applied behavior analyst and the complexity of the treatment
21 program. The supervisor and the licensed ~~applied behavior assistant analyst~~ assistant applied
22 behavior analyst shall be jointly responsible for maintaining records, including patient records, to
23 document compliance with this regulation.

24 (c) A licensed ~~applied behavior assistant analyst~~ assistant applied behavior analyst:

25 (1) May not initiate a treatment program until the patient has been evaluated and the
26 treatment planned by the licensed behavior analyst;

27 (2) May not perform an evaluation, but may assist in the data-gathering process and
28 administer specific assessments where clinical competency has been demonstrated, under the
29 direction of the licensed applied behavior analyst;

30 (3) May not analyze or interpret evaluation data;

31 (4) May participate in the screening process by collecting data and communicate the
32 information gathered to the licensed applied behavior analyst;

33 (5) Monitors the need for reassessment and reports changes in status that might warrant
34 reassessment or referral under the supervision of the licensed applied behavior analyst; and

1 (6) Immediately discontinues any treatment procedure, which appears harmful to the
2 patient and immediately notifies the supervising applied behavior analyst.

3 (d) An applied behavior analyst aide shall be a worker trained on the job. A licensed applied
4 behavior analyst using applied behavior analyst aide personnel to assist with the provision of
5 applied behavior analysis services must provide close supervision in order to protect the health and
6 welfare of the consumer.

7 (e) The primary function of an applied behavior analyst aide shall be to perform designated
8 routine tasks related to the operation of applied behavior analysis service.

9 (f) The licensed applied behavior analyst shall not delegate to an applied behavior analyst
10 aide:

11 (1) Performance of applied behavior analysis evaluation procedures;

12 (2) Initiation, planning, adjustment, modification, or performance of applied behavior
13 analyst procedures requiring the skills or judgment of a licensed applied behavior analyst;

14 (3) Acting on behalf of the applied behavior analyst in any matter related to applied
15 behavior analysis, that requires decision making or professional judgment.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- LICENSING OF APPLIED
BEHAVIOR ANALYSTS

- 1 This act would change the name of "applied behavior assistant analyst" to "assistant applied
- 2 behavior analyst" and makes several changes to provide consistency in the certification language
- 3 for behavioral analysts.
- 4 This act would take effect upon passage.

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