



## BEHAVIOR ANALYST LICENSURE LAW FREQUENTLY ASKED QUESTIONS

February 2020

### **With the legislation enacted into law, what are the next steps and when will they occur?**

There are a few steps that will likely occur during the next year. Within the next few months, the Governor will appoint the members of the state licensing board. Once established, the state licensing board and the State Division of Consumer Affairs will write a draft of the regulations that will govern the profession. (Regulations provide more detailed guidance on the law's intent.) This draft will be made available for public comment, and Autism New Jersey will inform its members when the public comment period opens and closes. The state licensing board will then review the comments and finalize the regulations. All comments and the licensing board's responses will be published in the [NJ Register](#). Finally, the state licensing board will then make the regulations public and announce a date by which all individuals who wish to practice behavior analysis in the State of New Jersey must become licensed. The board will also likely announce the process by which to do so at this time.

### **What are the qualifications to become a Licensed Applied Behavior Analyst (LBA) or Licensed Assistant Applied Behavior Analyst (LABA) in New Jersey?**

#### ***Licensed Applied Behavior Analyst (LBA)***

- Be at least 21 years of age
- Be of good moral character
- Have a current certification from a nonprofit organization accredited by the National Commission for Certifying Agencies, the American National Standards Institute, or a substantial equivalent to credential professional practitioners of applied behavior analysis related to the principles and practice of the profession of applied behavior analysis that is approved by the board<sup>1</sup>
- Submit proof that the applicant holds a graduate degree from an accredited university or other institution of higher learning

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1. The BCBA certification and the BACB organization meet this standard.

### ***Licensed Assistant Applied Behavior Analyst (LABA)***

- Be at least 21 years of age
- Be of good moral character
- Have a current certification from a nonprofit organization accredited by the National Commission for Certifying Agencies, the American National Standards Institute, or a substantial equivalent to credential professional practitioners of applied behavior analysis related to the principles and practice of the profession of applied behavior analysis that is approved by the board<sup>2</sup>
- Submit proof that the applicant holds an undergraduate degree from an accredited university or other institution of higher learning
- Submit proof satisfactory to the board of ongoing supervision by a licensed applied behavior analyst in accordance with the board's requirements

### **Will there be a fee and if so, how much?**

Yes, there will be a fee but the cost has not yet been determined. Fees are determined by the state licensing board through the regulatory process and are used solely to cover the costs of operating the board.

### **How will the state licensing board be established, and who will be the members?**

The Governor will appoint seven (7) residents of the State to serve on the State Board of Applied Behavior Analyst Examiners for terms of four years, except for the members first appointed in which two will serve for a term of four years, two will serve for a term of three years, and two will serve for a term of two years. Board membership will consist of:

- Two (2) public members that represent the interest of the public
- One (1) member from the Executive Branch of State Government
- Three (3) licensed applied behavior analysts, except for the members first appointed, who will be Board Certified Behavior Analysts or Board Certified Behavior Analysts – Doctoral
- One (1) licensed assistant applied behavior analyst, except for the member first appointed, who will be a Board Certified Assistant Behavior Analyst

### **Who is exempt from this law?**

- All other professions licensed by the state of New Jersey, provided that:
  - qualified members of other professions do not hold themselves out to the public as having a license in applied behavior analysis or using a professional title that is regulated by the law
  - the services provided by qualified members of other professions are within the boundaries of the licensed professional's education, training, and competence
- Family members of recipients of applied behavior analysis services

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2. The BCaBA certification and the BACB organization meet this standard.

- Paraprofessional technicians who deliver applied behavior analysis services under the supervision of an LBA or LABA
- Behavior analysts who practice with nonhumans, including applied animal behaviorists and animal trainers
- Professionals who provide general applied behavior analysis services to organizations, if those services are for the benefit of the organizations and do not involve direct services to individuals
- College students in an applied behavior analysis program who are supervised by an LBA
- Unlicensed persons pursuing experience in applied behavior analysis consistent with the experience requirements of the board, if the experience is supervised in accordance with the requirements of the board
- People who teach applied behavior analysis or conduct behavior analytic research
- BCBA's or LBA's from another state who work in New Jersey for no more than 10 consecutive business days, or not more than 15 intermittent business days, in any 90-day period and who provide the board with a summary of qualifications 10 days in advance of when they intend to work in the state
- Employees of a school district, charter school, education services commission, or private school in the performance of regular employment duties
- Persons who are working under the authority of or under contract with the Division of Developmental Disabilities, in the Department of Human Services<sup>3</sup>
- Persons who are working under the authority of and under contract with the New Jersey Early Intervention Program, in the Department of Health<sup>4</sup>

### **If those who are licensed in other professions are exempt from this law, can they practice ABA without a license?**

No, it means that if the services they are providing are within the boundaries of the licensed professional's education, training, and competence then they are not in violation of practicing behavior analysis without a license. All professionals are expected to practice within the boundaries of their own license, education, training, and competence.

### **Is there automatic reciprocity if you are licensed in another state?**

While it is not automatic, the qualifications here in NJ are similar to most other states, and the process is likely to be straightforward.

### **If I am licensed in another state, can I work for a limited period of time in NJ?**

Yes, LBA's from other states and BCBA's from states that do not yet have licensure laws can work in New Jersey for no more than 10 consecutive business days, or 15 intermittent business days, in any 90-day period and who provide the board with a summary of qualifications 10 days in advance of when they intend to work in the state.

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3. This exemption expires three years after the effective date of the law.
  4. This exemption expires five years after the effective date of the law.