STATE OF NEW YORK

1662--A

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sens. SKOUFIS, BIAGGI, BOYLE, BRESLIN, BROOKS, BROUK, COONEY, GALLIVAN, GAUGHRAN, GOUNARDES, HARCKHAM, HELMING, HOYLMAN, JACKSON, JORDAN, KAMINSKY, KAPLAN, KENNEDY, MANNION, MARTUCCI, MATTERA, MAY, MYRIE, OBERACKER, ORTT, PALUMBO, RAMOS, RATH, REICHLIN-MELNICK, RITCHIE, RIVERA, SAVINO, SERINO, TEDISCO, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to applied behavior analysis

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 8802 of the education law, as added by chapter 554 of the laws of 2013, is amended to read as follows:

1. The practice of applied behavior analysis by a "licensed behavior analyst" shall mean the design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior, pursuant to a diagnosis and prescription or [~~order from a person who is licensed or otherwise authorized to provide such diagnosis and prescription or ordering services pursuant to a profession enumerated in this title, for the purpose of providing behavioral health treatment for persons with autism and autism spectrum disorders and related disorders~~] **ordering services pursuant to a profession enumerated in this title, for the purpose of providing behavioral health treatment. For the purposes of this section, prescriptions or orders for behavioral health treatment provided by a licensed behavior analyst shall be limited to providing treatment to individuals with behavioral health conditions that appear in the Diagnostic and Statistical Manual of Mental Disorders, published by the**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD05851-05-1

American Psychiatric Association, or an equivalent classification system as determined by the department. In addition, licensed behavior analysts providing services pursuant to a prescription or order, as authorized by this section, shall provide a report at least annually regarding the status of the individual served to the licensed person prescribing or ordering such service or more frequently, if needed, in order to report significant changes in the condition of the individual.

§ 2. This act shall take effect eighteen months after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made on or before such effective date.