

STATE OF NEW YORK

3523--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 27, 2021

Introduced by M. of A. PEOPLES-STOKES, SOLAGES, GUNTHER, M. MILLER, THIELE, BYRNE, SANTABARBARA, ABINANTI, WALSH, GRIFFIN, STIRPE, BARCLAY, ZEBROWSKI, SCHMITT, WALLACE, GOTTFRIED, DiPIETRO, JACOBSON, PICHARDO, DICKENS, COLTON, NIOU, McMAHON, PAULIN, DINOWITZ, CLARK, EICHENSTEIN, LUNSFORD, WALCZYK, SIMON, BURDICK, ROZIC, RA, FRONTUS -- Multi-Sponsored by -- M. of A. BRABENEC, BRONSON, HEVESI, LALOR, MANKTELOW, McDONOUGH -- read once and referred 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:

1 Section 1. Subdivision 1 of section 8802 of the education law, as
2 added by chapter 554 of the laws of 2013, is amended to read as follows:
3 1. The practice of applied behavior analysis by a "licensed behavior
4 analyst" shall mean the design, implementation and evaluation of envi-
5 ronmental modifications, using behavioral stimuli and consequences, to
6 produce socially significant improvement in human behavior, including
7 the use of direct observation, measurement, and functional analysis of
8 the relationship between environment and behavior, pursuant to a diagno-
9 sis and prescription or order from a person who is licensed or otherwise
10 authorized to provide such diagnosis and prescription or ordering
11 services pursuant to a profession enumerated in this title, for the
12 purpose of providing behavioral health treatment [~~for persons with~~
13 ~~autism and autism spectrum disorders and related disorders~~]. For
14 purposes of this section, prescriptions or orders for behavioral health
15 treatment provided by a licensed behavior analyst shall be limited to
16 providing treatment to individuals with behavioral health conditions
17 that appear in the most recent edition of the diagnostic and statistical
18 manual of mental disorders, published by the American Psychiatric Asso-

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

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

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