

STATE OF NEW YORK

9402

IN SENATE

May 24, 2022

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requirements for licensure and certification of applied behavior analysts

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

1 Section 1. Section 8805 of the education law, as added by chapter 554
2 of the laws of 2013, is amended to read as follows:

3 § 8805. Special provisions. An individual who meets the requirements
4 for a license [~~or certification~~] as a licensed behavior analyst, pursu-
5 ant to subdivision two of section eighty-eight hundred four of this
6 article, or certification as a certified behavior analyst assistant,
7 pursuant to subdivision one of section eighty-eight hundred four of this
8 article, except for examination, experience and education, and who is
9 certified or registered by a national certifying body having certifi-
10 cation or registration standards acceptable to the commissioner, may be
11 licensed or certified, without meeting additional requirements as to
12 examination, experience and education, provided that such individual
13 submits an application to the department [~~within two years of the effec-~~
14 ~~tive date of this section~~].

15 § 2. Section 8807 of the education law is amended by adding a new
16 subdivision 9 to read as follows:

17 9. Nothing in this article shall be construed as prohibiting the
18 activities and services required of a graduate of an educational program
19 acceptable to the department, seeking to complete supervised experience
20 and/or examination requirements for certification or registration by a
21 national certifying body having certification or registration standards
22 acceptable to the commissioner; provided, however, that the graduate
23 shall be under the supervision of a licensed behavior analyst who is
24 licensed and registered in New York and employed by a setting authorized
25 to provide applied behavior analysis services in New York, acceptable to
26 the department. The supervising licensed behavior analyst shall submit,
27 upon commencing the supervision of any graduate or no later than ninety
28 days after the effective date of this subdivision, on a form prescribed

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

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1 by the department, a sworn statement attesting to compliance with the
2 requirements of this subdivision. Such use of a graduate shall subject
3 the supervising licensed behavior analyst to the full disciplinary and
4 regulatory authority of the board of regents and the department pursuant
5 to this title. The supervising licensed behavior analyst shall notify
6 the patient or the person legally responsible for the patient if the
7 patient is a minor, or other individual incapable of consenting, when
8 services will be provided by a graduate under supervision. The supervis-
9 ing licensed behavior analyst shall remain responsible for services
10 provided to the patient by the graduate and shall provide the patient or
11 person legally responsible for the patient an opportunity to object to
12 the use of a graduate to provide applied behavior analysis services
13 under supervision.

14 § 3. This act shall take effect immediately.