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:

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

§ 8805. Special provisions. An individual who meets the requirements for a license [~~or certification~~] as a licensed behavior analyst**, pursuant to subdivision two of section eighty-eight hundred four of this article,** or **certification as** a certified behavior analyst assistant, **pursuant to subdivision one of section eighty-eight hundred four of this article,** except for examination, experience and education, and who is certified or registered by a national certifying body having certification or registration standards acceptable to the commissioner, may be licensed or certified, without meeting additional requirements as to examination, experience and education, provided that such individual submits an application to the department [~~within two years of the effective date of this section~~].

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

9. Nothing in this article shall be construed as prohibiting the activities and services required of a graduate of an educational program acceptable to the department, seeking to complete supervised experience and/or examination requirements for certification or registration by a national certifying body having certification or registration standards acceptable to the commissioner; provided, however, that the graduate shall be under the supervision of a licensed behavior analyst who is licensed and registered in New York and employed by a setting authorized to provide applied behavior analysis services in New York, acceptable to the department. The supervising licensed behavior analyst shall submit, upon commencing the supervision of any graduate or no later than ninety 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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by the department, a sworn statement attesting to compliance with the requirements of this subdivision. Such use of a graduate shall subject the supervising licensed behavior analyst to the full disciplinary and regulatory authority of the board of regents and the department pursuant to this title. The supervising licensed behavior analyst shall notify the patient or the person legally responsible for the patient if the patient is a minor, or other individual incapable of consenting, when services will be provided by a graduate under supervision. The supervising licensed behavior analyst shall remain responsible for services provided to the patient by the graduate and shall provide the patient or person legally responsible for the patient an opportunity to object to the use of a graduate to provide applied behavior analysis services under supervision.

§ 3. This act shall take effect immediately.