

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the licensure of behavior analysts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/17/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to the licensure of behavior analysts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 9 of chapter 13 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the words “the board of allied health
3 professions,” in line 11 the following:- “the board of behavior analysts,”

4 SECTION 2. Section 89 of said chapter 13 of the General Laws is hereby amended by
5 striking out the third paragraph and inserting in place thereof the following:-

6 Said members shall be appointed in such a manner as to proportionally represent the total
7 number of active holders of each professional license type, as determined from time to time by
8 the board; provided, that at least 1 member shall be a marriage and family therapist, at least 1
9 shall be a rehabilitation counselor, at least 1 shall be shall be a clinical mental health counselor,
10 and at least 1 shall be an educational psychologist who meet the qualifications in the last 2
11 paragraphs of section 165 of chapter 112.

12 SECTION 3. Said chapter 13 of the General Laws is hereby further amended by adding
13 the following 3 sections:-

14 Section 110. (a) There shall be within the department of public health a board of
15 registration of behavior analysts. The board shall consist of 9 members to be appointed by the
16 governor, 2 of whom shall be Licensed Behavior Analysts licensed under this section who hold
17 doctoral degrees, 4 of whom shall be Licensed Behavior Analysts licensed under this section
18 who hold master's degrees, 1 of whom shall be a Licensed Assistant Behavior Analyst licensed
19 under this section who holds a bachelor's degree, and 2 members of the general public, subject to
20 section 9B. Members of the board shall be residents of the commonwealth.

21 (b) Each member of the board shall serve for a term of 3 years and until a successor has
22 been appointed and qualified. A vacancy in the membership of the board shall be filled for the
23 unexpired term in the manner provided for the original appointment. No member shall serve
24 more than 2 full consecutive terms. A member appointed for less than a full term may serve 2
25 full terms in addition to that part of a full term. A former member shall be eligible for
26 appointment after a lapse of 1 year.

27 (c) The governor may remove a member of the board for cause, but no board member
28 shall be removed without first being informed in writing at least 30 days in advance of the
29 reasons for such removal and of the member's right to a public or private hearing and to have
30 counsel present at the hearing.

31 Section 111. The board shall hold at least 2 meetings annually and will determine an
32 appropriate schedule of meetings that meets the needs of licensees. At its first regular meeting in
33 each year the board shall elect from its own members by majority vote a chair. A majority of the
34 board shall constitute a quorum. The members of the board shall serve without compensation but

35 shall be reimbursed for actual expenses reasonably incurred in the performance of their board
36 duties. The board may hire such staff as it deems necessary to carry out its activities.

37 Section 112. (a) The board of registration of behavior analysts may: (i) pass upon the
38 qualifications of an application for a license under sections 290 to 302, inclusive, of chapter 112
39 and shall issue a license to an applicant who is determined to be qualified to practice as a
40 licensed behavior analyst or licensed assistant behavior analyst; (ii) adopt rules and regulations
41 governing the licensure of behavior analysts and assistant behavior analysts; (iii) establish
42 eligibility and renewal requirements; (iv) receive, review and approve or disapprove an
43 application for a reciprocal license for an applicant who is licensed or certified as a behavior
44 analyst in another state and who has demonstrated qualifications that equal or exceed those
45 required under sections 290 to 302, inclusive, of said chapter 112; (v) fine, censure, revoke,
46 suspend or deny a license and place on probation, reprimand or otherwise discipline a licensee
47 for a violation of the code of ethics or the rules and regulations of the board under said sections
48 290 to 302, inclusive, of said chapter 112; (vi) summarily suspend the license of a licensee who
49 poses an imminent danger to the public; provided, however, that a hearing shall be afforded to
50 the licensee within 10 day after any such action by the board to determine whether such
51 summary action is warranted; and (vii) perform any other functions and duties as may be
52 required to carry out this section.

53 (b) The board shall make available to the public a list of licensed behavior analysts and
54 licensed assistant behavior analysts.

55 (c) The members of the board, its officers and employees shall be indemnified by the
56 commonwealth for all actions taken as part of their responsibilities described in this section.

57 SECTION 4. Section 163 of chapter 112 of the General Laws is hereby amended by
58 striking out the definitions, “Licensed applied behavior analyst” and “Licensed assistant applied
59 behavior analyst”, and inserting in place thereof the following definitions:-

60 "Licensed assistant behavior analyst", an individual who, by training, experience and
61 examination meets the requirements for licensing by the board of registration of behavior
62 analysts and is duly licensed to engage in the practice of applied behavior analysis under the
63 supervision of a licensed behavior analyst under sections 290 through 302, inclusive.

64 “Licensed behavior analyst”, an individual who, by training, experience and examination
65 meets the requirements for licensing by the board of registration of behavior analysts and is duly
66 licensed to engage in the practice of applied behavior analysis in the commonwealth under
67 sections 290 through 302, inclusive.

68 SECTION 5. Section 165 of chapter 112 of the General Laws is hereby amended by
69 striking out the following words in the title of the section:- “applied behavior analysts”.

70 SECTION 6. Said Section 165 of chapter 112 of the General Laws is hereby further
71 amended by striking out the eighth through fifteenth paragraphs in lines 64 through 100,
72 inclusive, in their entirety.

73 SECTION 7. Chapter 112 of the General Laws is hereby amended by adding the
74 following 13 sections:-

75 Section 290. As used in sections 290 to 302, inclusive, the following words shall, unless
76 the context clearly requires otherwise, have the following meanings:

77 “Board”, the board of registration of behavior analysts.

78 “Certifying entity”, the Behavior Analyst Certification Board, Inc. (BACB), or another
79 entity whose programs to credential practitioners of applied behavioral analysis are accredited by
80 the National Commission on Certifying Agencies (NCCA) or American National Standards
81 Institute (ANSI) and approved by the board.

82 " Licensed assistant behavior analyst”, an individual who, by training, experience and
83 examination meets the requirements for licensing by the board and is duly licensed to engage in
84 the practice of applied behavior analysis under the supervision of a licensed behavior analyst.

85 “Licensed behavior analyst”, an individual who, by training, experience and examination
86 meets the requirements for licensing by the board and is duly licensed to engage in the practice
87 of applied behavior analysis in the commonwealth.

88 “Practice of applied behavior analysis”, the design, implementation and evaluation of
89 systematic instructional and environmental modifications, using behavioral stimuli and
90 consequences, to produce socially significant improvements in human behavior, including the
91 direct observation and measurement of behavior and the environment, the empirical
92 identification of functional relations between behavior and environmental factors, known as
93 functional assessment and analysis, and the introduction of interventions based on scientific
94 research and which utilize contextual factors, antecedent stimuli, positive reinforcement, and
95 other consequences to develop new behaviors, increase or decrease existing behaviors, and elicit
96 behaviors under specific environmental conditions that are delivered to individuals and groups of
97 individuals; provided, however, that the “practice of applied behavior analysis” shall not include
98 psychological testing, neuropsychology, diagnosis of mental health or developmental conditions,

99 psychotherapy, cognitive therapy, sex therapy, psychoanalysis, psychopharmacological
100 recommendations, hypnotherapy or academic teaching by college or university faculty.

101 “Recognized educational institution”, a degree-granting college or university which is
102 accredited by (i) a regional accreditation body recognized by the United States Department of
103 Education and (ii) a certifying entity.

104 Section 291. The board may issue a license to an applicant as a behavior analyst provided
105 that the applicant:

106 (a) is of good moral character;

107 (b) has not engaged or is not engaging in any practice or conduct that would be grounds
108 for refusing to issue a license under section 301; and

109 (c) has current certification at the appropriate level verified with the certifying entity by
110 the board; and any other requirements and qualifications as deemed necessary by the board

111 Section 292. The board may issue a license to an applicant as an assistant behavior
112 analyst provided that the applicant:

113 (a) is of good moral character;

114 (b) has not engaged or is not engaging in any practice or conduct that would be grounds
115 for refusing to issue a license under section 301;

116 (c) has current certification at the appropriate level verified with the certifying entity by
117 the board; and

118 (d) can provide the board upon request with evidence of current and ongoing supervision
119 by a licensed behavior analyst who is approved as a supervisor by the certifying entity; and any
120 other requirements and qualifications as deemed necessary by the board.

121 Section 293. Each person desiring to obtain a license as a behavior analyst or as an
122 assistant behavior analyst shall make application to the board upon such form and in such
123 manner as the board shall prescribe and shall furnish evidence satisfactory to the board that the
124 person is of good moral character including, but not limited to, the fact that such applicant has
125 not been convicted of a felony; provided, however, that for the purposes of this section, a
126 conviction shall include a judgment, an admission of guilt or a plea of nolo contendere to any
127 such felony charges or a conviction of an offense under the laws of another jurisdiction which, if
128 committed in the commonwealth, would be a felony unless:

129 (i) at least 10 years have elapsed from the date of the conviction; and

130 (ii) the applicant satisfactorily demonstrates to the board that the applicant has made
131 significant progress in personal rehabilitation since the conviction so that licensure of the
132 applicant would not be expected to create a substantial risk of harm to the health and safety of
133 the applicant's clients or the public or a substantial risk of further criminal violations.

134 The board shall have access to criminal offender record information to review such
135 felony or misdemeanor convictions as are necessary to carry out this section.

136 Section 294. Notwithstanding sections 291 and 292, the board may issue a license to an
137 applicant who presents evidence that such applicant has been licensed or certified as a behavior
138 analyst or assistant behavior analyst by a similar board of another jurisdiction the standards of
139 which are at least the same as those required in the commonwealth.

140 Section 295. A fee shall be paid to the board for the original license. A license to practice
141 as a licensed behavior analyst or a licensed assistant behavior analyst shall be valid for 2 years
142 and must be renewed biennially. Any application for renewal of a license that has expired shall
143 require the payment of a re-registration fee.

144 On or before September 13 of the year preceding the expiration of a license, the board
145 shall forward to the holder of the license a form of application for renewal thereof. Upon the
146 receipt of the completed form and the renewal fee on or before November 13, the board shall
147 verify with the certifying entity that the applicant is certified at the appropriate level and is not
148 the subject of any active investigation or disciplinary action by the certifying entity. If such
149 verification is attained, the board shall issue a new license for the year commencing January 1.

150 Section 296. All fees required by sections 290 to 302, inclusive, shall be determined
151 annually by the secretary of administration and finance under section 3B of chapter 7. All
152 licensing and application fees and civil administrative penalties collected under said sections 290
153 to 302, inclusive, shall be deposited into the Quality in Health Professions Trust Fund established
154 in section 35X of chapter 10.

155 Section 297. Nothing in sections 290 to 302, inclusive, shall be construed to prevent
156 qualified members of other professions or occupations including, but not limited to, physicians,
157 psychologists, teachers, members of the clergy, authorized Christian Science practitioners,
158 attorneys-at-law, social workers, guidance counselors, clinical counselors, adjustment
159 counselors, speech pathologists, audiologists or rehabilitation counselors from practicing applied
160 behavior analysis if it is consistent with the legislated scope of practice and accepted ethical
161 standards of their respective professions and the individual professional's training and

162 competence; provided, however, that no such Christian Science practitioner, attorneys-at-law,
163 social worker, guidance counselor, clinical counselor, adjustment counselor, speech pathologist,
164 audiologist or rehabilitation counselor shall use any title or description stating or implying that
165 such person is a licensed behavior analyst or licensed assistant behavior analyst without holding
166 said license.

167 Section 298. A person licensed under sections 290 to 302, inclusive, shall comply with
168 the standards of ethical practice as adopted by the board.

169 Section 299. A person not licensed to practice applied behavior analysis who holds
170 himself out to be a licensed behavior analyst or licensed assistant behavior analyst or who uses
171 the title “licensed behavior analyst” or “licensed assistant behavior analyst” or engages in the
172 practice of applied behavior analysis shall be subject to the penalties set forth in section 65A.

173 Section 300. The penalties set forth in section 299 shall not apply to faculty or students of
174 applied behavior analysis currently enrolled in a recognized educational institution which meets
175 educational standards determined by the board or to interns or persons preparing for the practice
176 of applied behavior analysis under qualified supervision in any such program; provided, they are
177 designated by such titles as “behavior analyst intern”, “behavior analyst trainee” or other title
178 clearly indicating such training status.

179 Section 301. The board shall investigate all complaints relating to the proper practice of
180 applied behavior analysis by a person licensed under sections 290 to 302, inclusive.

181 The board, after a hearing held under chapter 30A, may revoke, suspend or cancel the
182 license, or reprimand, censure or otherwise discipline a licensed behavior analyst or licensed
183 assistant behavior analyst upon proof satisfactory to a majority of the board that the licensee:

- 184 (i) fraudulently procured the license;
- 185 (ii) is guilty of an offense under any law of the commonwealth relating to the practice of
186 applied behavior analysis or a rule or regulation adopted under those laws;
- 187 (iii) engaged in conduct that calls into question their competence to practice applied
188 behavior analysis including, but not limited to, gross misconduct in the practice of applied
189 behavior analysis or of practicing applied behavior analysis fraudulently, or beyond its
190 authorized scope, or with gross incompetence, or with gross negligence on a particular occasion
191 or negligence on repeated occasions;
- 192 (iv) practiced applied behavior analysis while the ability to practice was impaired by
193 alcohol, drugs, physical disability or mental instability;
- 194 (v) has been habitually drunk or being or having been within a reasonable period of time
195 addicted to, dependent on or a habitual user of narcotics, barbiturates, amphetamines,
196 hallucinogens or other drugs having similar effects;
- 197 (vi) knowingly permitted, aided or abetted an unlicensed individual to perform activities
198 requiring a license for purposes of fraud, deception or personal gain;
- 199 (vii) has been convicted of a criminal offense which reasonably calls into question the
200 licensee's ability to practice applied behavior analysis;
- 201 (viii) violated any rule or regulation of the board governing the practice of applied
202 behavior analysis; or
- 203 (ix) violated any professional disciplinary or ethical standard established by the board.

204 No person who files a complaint or who reports or provides information under this
205 section or assists the board at its request in any manner in discharging its duties and functions
206 shall be liable in a cause of action arising out of the receiving of such information or assistance if
207 the person making the complaint or reporting or providing the information or assistance does so
208 in good faith and without malice.

209 If the licensee is found not to have violated this section, the board shall forthwith order a
210 dismissal of the charges.

211 Written notice of a contemplated revocation or suspension of a license or the cause
212 therefor, in sufficient particularity, and the date of a hearing thereon, shall be sent by registered
213 or certified mail to the licensee at the licensee's last known address at least 15 days before the
214 date of the hearing. The licensee against whom a charge is filed shall have a right to appear
215 before the board in person or by counsel, or both, may produce witnesses, introduce evidence
216 and question witnesses. No license shall be revoked or suspended without such hearing, but the
217 nonappearance of the licensee, after notice, shall not prevent such revocation or suspension. All
218 matters upon which a contemplated revocation or suspension is based shall be introduced in
219 evidence at the proceeding. The licensee shall be notified in writing of the board's decision. The
220 board may make such rules and regulations as it deems proper for the filing of charges and the
221 conduct of hearings.

222 After issuing an order of revocation or suspension, the board may file a petition in equity
223 in the superior court in a county in which the respondent resides or transacts business, or in
224 Suffolk County, to ensure appropriate injunctive relief to expedite and secure the enforcement of
225 its order, pending the final determination.

226 A decision by the board under this section shall be subject to review in superior court
227 under chapter 30A.

228 Section 302. After three years from the date of revocation, an application for
229 reinstatement may be made to the board and the board may, upon the affirmative vote of a
230 majority of its members, grant such reinstatement.

231 SECTION 8. Notwithstanding section 110 of chapter 13 of the General Laws, the initial
232 members of the board of registration of behavior analysts shall consist of 9 members to be
233 appointed by the governor, 2 of whom shall be doctoral-level, Board-Certified Behavior Analysts
234 designated as such by the Behavior Analyst Certification Board, 4 of whom shall be Board-
235 Certified Behavior Analysts designated as such by the Behavior Analyst Certification Board who
236 hold master's degrees, 1 of whom shall be a Board-Certified Assistant Behavior Analyst
237 designated as such by the Behavior Analyst Certification Board who holds a bachelor's degree,
238 and 2 members of the general public, subject to section 9B of chapter 13. Of the said initial
239 members appointed to the board, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2
240 years and 3 shall serve for a term of 1 year.

241 SECTION 9. Individuals licensed in good standing as applied behavior analysts or
242 assistant applied behavior analysts within the commonwealth upon the effective date of this Act
243 shall be grandfathered, and not required to resubmit applications for licensure until the time as
244 their license is due for renewal.