
TEXAS ASSOCIATION FOR BEHAVIOR ANALYSIS

April 21, 2015

My name is Dr. Jennifer Fritz; I am the current President of the Texas Association for Behavior Analysis (TxABA) – an organization of over 1,000 members, and I am a doctoral-level Board Certified Behavior Analyst (BCBA-D). TxABA and many other organizations (illustrative list of supporters provided below) **strongly support HB 2703** to establish an independent behavior analysis licensure board.

Applied behavior analysis (ABA) has been shown to be the most effective early intervention strategy for children with autism and is extremely effective in improving a wide range of behavioral issues across diverse populations. **It is absolutely critical that consumers receive ABA services from a qualified behavior analyst.** To this end, the Behavior Analyst Certification Board (BACB) developed competencies for certifying practitioners that include degrees, coursework, supervised experiential training, and passing a professional examination. This is an internationally recognized certification and the only validated professional examination in ABA. We currently have 969 individuals certified by the BACB in Texas.

The BACB also has developed ethical guidelines and disciplinary standards; however, the BACB is very limited in its ability to regulate the practice of behavior analysts and respond to complaints within any given state or country. Many behavior analytic methods are powerful, and can be misused or abused by those who lack the necessary training, and **BACB certification is simply not sufficient to provide protection to consumers** for several reasons:

1. The BACB is not able to prevent those that do not hold the BCBA credential from practicing ABA.
2. There is no law in Texas stating that any credential is required to practice ABA. Therefore, if a practitioner who is not certified by the BACB harms a Texas citizen, they have little or no protection or legal recourse.
3. If a person who is certified by the BACB is found to have violated a disciplinary standard, in all likelihood the most the BACB can do is revoke that person's certification, and then the person can still practice in Texas.

The proposed legislation will establish an independent licensing board to regulate the practice of ABA. The board will consist of professional behavior analysts and members of the public who are impacted by ABA services.

The main requirement for obtaining and maintaining a license will be the BACB certification. This will provide a cost-effective means for regulation, because the BACB can verify qualified practitioners, saving the board a great deal of labor and money. **Costs of operating the board will be covered by fees and will result in no cost to the state.**

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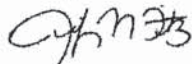
An important goal of this legislation is to protect the health and safety of those receiving ABA services. To this end, **this law will create a registry of licensed behavior analysts** so the public can readily identify qualified professionals. There are currently 20 states with licensure and a number of others pursuing licensure this year. As people move into Texas, it will become increasingly important that they are able to identify a qualified provider as easily as they could in their previous state. In addition, **this law will create a complaints process** that includes a way for consumers to submit complaints about professional and ethical violations, a means for investigating those complaints, and penalties for violations that are similar to those established by other health professions.

The independent nature of this board is exceedingly important, as behavior analysis is a distinct profession from other disciplines. For numerous reasons that will be described more thoroughly by others, it is inappropriate for the board to be housed within the psychology board. Additionally, there is no other agency in Texas where the board could be placed that would allow behavior analysts to oversee practice and ensure the safety of consumers of ABA services.

It also is important to note that the legislation will allow others to practice behavior analysis without being licensed under this law, as long as it is within the scope of their practice. Therefore, **this law will not restrict access to services for individuals with autism spectrum disorders or any others**. Specifically, this law will permit psychologists and other licensed professionals, teachers, school personnel, behavior technicians, family members, and university students to implement ABA procedures as appropriate. **This law also clearly defines the activities that are outside the practice of behavior analysis:** psychological testing (which includes providing diagnoses), psychotherapy, cognitive therapy, psychoanalysis, hypnotherapy, and counseling. We felt this was important for clarifying the differences in practice between behavior analysis and other disciplines, such as psychology.

In closing, this legislation is about increasing access to safe, high-quality services and ensuring the protection of some of our most vulnerable Texans.

Thank you for this opportunity to provide testimony in support of HB 2703,



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Illustrative List of Organizations In Support of HB 2703

Association for Professional Behavior Analysts
Autism Research Group and Institute for Behavioral Training
Autism Society of America
Autism Society of Central Texas
Autism Speaks
Behavioral Innovations
Center for Autism and Related Disorders, Inc. (CARD)
Central Texas Autism Center
Child Study Center (Fort Worth)
Coalition of Texans with Disabilities
Easter Seals Central Texas
Easter Seals Greater Houston
Easter Seals North Texas
FEAT - Houston
Lone Star Association for Behavior Analysis
Pediatric Rehabilitation and Behavioral Services (Schertz)
Shape of Behavior (Houston)
Texana Center – Behavioral Healthcare and Developmental Disabilities Services
Texas Association for Behavior Analysis

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