Town Hall Meeting on Professional Regulation
October 22nd 2016
Welcome

1. Town Hall Purpose & Format
2. Update on Lobbying Efforts Related to Regulation
3. Considerations for Regulation - Dr. Gina Green (APBA)
4. Considerations for Regulation - Dr. Jim Carr (BACB)
5. Highlights of ONTABA’s Private Act
6. Titles and Criteria
7. Discussion
Town Hall Purpose & Format

1. Provide information on the activities of ONTABA’s Professional Regulation Committee.

2. Engage membership in discussion about regulation

3. Solicit membership feedback on current actions and proposed next steps
Town Hall Purpose & Format

- committee members and invited speakers will present a section and then open the floor to questions and discussions. Questions and comments submitted remotely will be read aloud at this time.

- In order to ensure that all members have an equal opportunity to ask questions, we ask that members limit comments/discussion to approximately 3 minutes.
Advocating for Behaviour Analysis in Ontario’s Changing Service Landscape

• Proposed changes to autism services in Ontario brought a flurry of activity at the end of March 2016.

• ONTABA’s Formal Response to Ontario Autism Program.

• Many meetings and extensive communication with MCYS and the Premier's Office.
Advocating for Behaviour Analysis in Ontario’s Changing Service Landscape

- Close collaboration with parents and consumer advocates.
- Lobbying for representation on relevant committees and panels.
- With the Ombudsman’s report on services for adults with developmental disabilities in crisis as the catalyst, ONTABA formed the Adult Services Task Force and expanded lobbying and advocacy efforts across several sectors.
Outcomes So Far...

- ONTABA invited to contribute directly to ministry guidelines and to provide policy positions.
- Secured regular ongoing meetings with MCYS, frequent requests for input on practice issues.
- ONTABA asked to appoint a representative to the Ontario Autism Program Advisory Committee and to make recommendations for the Autism Spectrum Disorder Clinical Expert Committee.
- Strengthening of partnerships with parent advocates and international leadership (APBA, BACB, ABAI)
Outcomes So Far...

- Obtained commitment for regulation from MCYS, upon request shared a copy of the draft Private Act and related information. Asked to consult on next steps toward regulation.

- Meetings with Ministry of Health and Long-Term Care & Ministry of Community and Social Services.

- Meeting with Ontario’s Ombudsman (pending).

- Significant organizational growth.
The Big Picture

- ONTabA is committed to the goal of full public regulation.
- ONTabA’s primary objective is professionalization of behaviour analytic services in Ontario in the interest of public protection.
- ONTabA is committed to working with professionals, families, government and other stakeholders to identify appropriate short- and long-term solutions.
- An effective approach to regulation is progressively restrictive.
Highlights of the Draft Private Act

(Title Protection)
What is the Private Act?

• The Ontario Association for Behaviour Analysis is pursuing special legislation to enable it to govern and manage its members that are registrants under this Act and to grant to certain of its members the right to the exclusive use of the designations.

Definition of Terms
• ONTABA = “Association”
• ONTABA Board of Directors = “Board”
Why Title Protection?

• In the absence of full regulation, one of the objectives of ONTABA should be to promote and protect the public interest by regulating the practice of its eligible registrants in the field of behaviour analysis.

• Title protection is a necessary and achievable first step towards full regulation.
Title Protection - A Step Towards Public Protection

• to establish and encourage the acceptance and maintenance of uniform province-wide standards of knowledge, experience and ethics for all registrants engaged in the field of behaviour analysis;

• to establish, maintain and develop standards of practice;

• to establish, maintain and develop standards of knowledge, skill and proficiency;

• to establish, maintain, and develop standards of qualification for its registrants;

• to regulate the practice, competence and professional conduct of its registrants;
Who Would Qualify?

- Every member of the Association whose name appears in the register as a member in good standing **AND** who meets the qualifications and conditions as set out in the by-laws of the Association may use one of the designations below that is appropriate for his/her class of membership:
  - Registered Ontario Behaviour Analyst (R.O.B.A.)
  - Registered Ontario Assistant Behaviour Analyst (R.O.A.B.A.)
  - Registered Ontario Behaviour Analysis Implementer (R.O.B.A.I.)
Restrictions on the Use of the Titles

• No individual, other than a member of the Association authorized by the Board to do so, shall, through an entity or otherwise:
  - take or use a designation or initials prescribed by the regulations;
  - take or use any term, title, initials, designation or description implying that the individual is a member of the Association or is authorized to use a designation prescribed by the regulations;
  - otherwise hold himself or herself out as a member of the Association authorized to use a designation prescribed by the regulations.
How Will it be Managed?

Registrar

• The board shall appoint or provide for the appointment of an individual to serve as registrar of the Association, who shall be responsible for the administration of the Association.

Register

• The registrar shall keep a register with the names of the members of the Association in good standing and their class of membership. The register shall include other information respecting a member as set out in the by-laws, including any terms, conditions or restrictions on his or her membership and any actions taken against the member.
Timeline and Tentative Process Moving Forward

- September 2016: draft private act, with most recent revisions based on Agrologists Act, shared with Legislative Council (waiting for feedback)
- October 2016: draft private act shared with MCYS (waiting for feedback)
- October 2016: Conduct Town Hall to gather feedback from membership
- Fall 2016/Winter 2017: integrate feedback from Legislative Council and members
- Fall 2016/Winter 2017: legal review of Draft Act
- Winter/Spring 2017: table the Draft Act
- June 2017: Draft Act finalized and Title Protection in place
- Future: work towards full regulation
TITLES AND ASSOCIATED CRITERIA

Registered Ontario Behaviour Analyst (R.O.B.A.)
Registered Ontario Assistant Behaviour Analyst (R.O.A.B.A.)
Registered Ontario Behaviour Analysis Implementer (R.O.B.A.I.)
Registered Ontario Behaviour Analyst

- BCBA or BCBA-D and a member in good standing with ONTABA

Registered Ontario Assistant Behaviour Analyst

- BCaBA and a member in good standing with ONTABA
Registered Ontario Behaviour Analysis Implementer

There are 5 alternatives being considered as criteria for this level. They are:

• No third level

• RBT currently in good standing

• Graduate of a degree/diploma/graduate certificate program in behaviour analysis

• Graduate of a degree/diploma/graduate certificate program in behaviour analysis OR RBT

• Graduate of a degree/diploma/graduate certificate program in behaviour analysis AND RBT
Alternative 1: No third level

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
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<tbody>
<tr>
<td>● Significantly reduces management requirements of titles</td>
<td>● Limits consumer protection as entire population of implementers will not be required to meet criteria for title protection</td>
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<td>● Consumers left on own to select implementers</td>
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<td>● Limits number of title holders at a time when growth in numbers is important</td>
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<tr>
<td>Requirements</td>
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<tr>
<td><strong>RBT Level</strong></td>
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<td>minimum 18 years of age&lt;br&gt;demonstrated completion of high school or equivalent/higher&lt;br&gt;obtained 40 hours of acceptable training (using the RBT curriculum)&lt;br&gt;successfully completed the RBT competency assessment&lt;br&gt;completed a criminal background check</td>
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<tr>
<td><strong>3 year advanced college diploma programs</strong></td>
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<td>Example: completion of an OSSD diploma with specific course prerequisites in science, math, and English&lt;br&gt;500+ hours of ABA course work&lt;br&gt;1000+ placement hours</td>
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<tr>
<td><strong>Post Graduate diploma programs</strong></td>
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<tr>
<td>Example: 269 hours of ABA course work&lt;br&gt;350 placement hours</td>
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### Alternative 2: RBT currently in good standing

<table>
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<tr>
<th>Pros</th>
<th>Cons</th>
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<tr>
<td>● Management of the titles holders will require very few resources</td>
<td>● Does not capture the unique training and experience of Ontario implementers (which is in excess of RBT requirements)</td>
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<td>(as already registered with BACB)</td>
<td>● May reduce consumer protection as this leaves a large body of implementers unable to access title; therefore, less oversight as consumers likely to hire “non-registered” implementers when demand exceeds supply</td>
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<td>● Currently only 85 RBTs in province</td>
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<td>● May face challenges in incorporating into government policy due to impact on labour market</td>
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Alternative 3: Degree/diploma/graduate certificate program in behaviour analysis

<table>
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<tr>
<th>Pros</th>
<th>Cons</th>
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<tbody>
<tr>
<td>● Captures the unique training and experience in Ontario (which is in excess of RBT requirements)</td>
<td>● May be more costly to manage than some other alternatives</td>
</tr>
<tr>
<td>● Helps defray the cost of regulation as more implementers are able to access title</td>
<td>● No ongoing demonstration of competency</td>
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<td></td>
<td>● Restricts growing the field as RBTs who do not hold this level of education and supervised practice would be unable to access a title</td>
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Alterative 4: Degree/diploma/graduate certificate program in behaviour analysis **AND** RBT currently in good standing

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
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<tbody>
<tr>
<td>• Capacity building as requires higher standard of education, proficiency, and experience than simply RBT</td>
<td>• Those in process of completing graduate degrees to become a BCBA or BCaBA will not apply for the title</td>
</tr>
<tr>
<td>• Potentially helps defray the cost of regulation</td>
<td>• May impact efforts to build capacity if graduates from post secondary programs in the province with more training and experience than the RBT level do not seek out the RBT certification (given lesser requirements)</td>
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<tr>
<td>• Management of title holders will require fewer resources as all title holders will be registered as RBTs with BACB</td>
<td>• RBTs are required to practice under supervision of a BCBA/BCaBA to maintain certification; this option may not be viable to some (for geographic / financial reasons)</td>
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</table>
Alternative 5: Degree/diploma/graduate certificate program in behaviour analysis OR RBT

<table>
<thead>
<tr>
<th>Pros</th>
<th>Cons</th>
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<tbody>
<tr>
<td>• Builds capacity by increasing the number of title holders</td>
<td>• Same title for RBT and degree/diploma/grad certificate may mask variations in education and training (less transparent for consumers)</td>
</tr>
<tr>
<td>• Helps defray the cost of regulation</td>
<td>• Initial determination of criteria for title would require additional resources</td>
</tr>
<tr>
<td>• Increases consumer options by increasing the number of individuals registered for title protection</td>
<td>• Management of title holders requires additional resources</td>
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<td>--------------------------------------------</td>
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<tr>
<td>Consumer Protection: transparent representation of education and training of title holders (i.e., consumers can clearly distinguish between RBT, diploma/degree, etc)</td>
<td>✓</td>
</tr>
<tr>
<td>Consumer Protection: enhances number of implementer-level professionals who meet specified criteria for title protection clearly listed in registry</td>
<td>✓</td>
</tr>
<tr>
<td>Consumer Protection: increases the required level of education and practice to function as an implementer with a registered title</td>
<td>✓</td>
</tr>
<tr>
<td>Consumer Protection: allows for ongoing supervision, continuing education and recertification requirements.</td>
<td>✓</td>
</tr>
<tr>
<td>Capacity: increases the ability to monitor/discipline implementer-level professionals</td>
<td>✓</td>
</tr>
<tr>
<td>Capacity: increases the number of individuals who meet criteria for the title (growth of numbers toward regulation)</td>
<td>?</td>
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<tr>
<td>Logistics: Provides for relative ease of implementation.</td>
<td>✓</td>
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QUESTIONS?
DISCUSSION
Regulation of the Practice of Behavior Analysis

Gina Green, PhD, BCBA-D

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Topics

- About APBA
- Professional regulation: Overview
  - Pressures to regulate the practice of ABA
  - Common forms of regulation
- Licensure (government regulation)
  - What it will and won’t do
  - Risks and limitations
  - APBA’s position and rationale
- Recommendations
About APBA

- Nonprofit organization focused on practice of ABA, especially advocating for public policies
- Memberships for professionals in behavior analysis and other fields, consumers, students, RBTs
- Affiliates -- behavior analysis organizations, other scholarly/scientific organizations
- Sponsors -- agencies and companies that sell services or products

7th annual convention: March 23 – 25, New Orleans

See www.apbahome.net for details
Pressures to regulate practice of ABA

- Growth in practice, demand for ABA services
- Elements within our field
- Laws and regulations on autism services
- Other professions
Professional regulation

- Best protection for consumers, funders, governments, and professions:
  - Uniform, objective, legally defensible requirements and standards for obtaining and maintaining credentials to practice
  - Oversight of practice by knowledgeable members of the profession and consumers
Forms of regulation

**Certification**
- Usually managed by independent, nonprofit national/international organization
- Usually voluntary, but may be required by law
- Requirements come from the profession
- Portable across geographic boundaries

**Licensure**
- *Mandated* by law in each jurisdiction
- Requirements set and oversight provided by legislature, government agency, and/or regulatory body (e.g., licensing board)
- Portability/reciprocity not guaranteed
Certification and licensure: Similarities

- Minimum eligibility requirements -- e.g., degree, coursework, practical training
- **Examination** -- objective, valid, reliable, legally defensible
- Requirements for credentialed professionals to
  - Meet continuing education requirements
  - Practice within code of conduct
- Body that sets requirements, vets applicants, administers exam, manages continuing education, etc.
Certification and licensure: Other comparisons

Some national/international certifying bodies have some legal authority to enforce certain standards with their certificants.

Government regulatory bodies (e.g., licensing boards) are mandated to regulate practice, including investigating complaints about licensed and unlicensed individuals and sanctioning violators.
Certification and licensure: Other comparisons

- In some professions, a license is the principal credential, and certification signifies competence in a specialty area (e.g., medicine, psychology).
- In others, national or international certification is the (or a) principal credential, often serving as the foundation for state licensure (e.g., speech-language pathology, school psychology, OT, behavior analysis).
Licensure may...

- Protect behavior analysts’ right to practice
- Provide parity with other professions
- Help behavior analysts qualify for 3rd party payments (but may not be required, and no guarantee; other laws are involved).
- Protect consumers through enforcement of licensure law
Licensure typically does not...

- Guarantee competent or ethical behavior
- Prohibit the following from using ABA techniques:
  - Other appropriately credentialed professionals, provided the techniques are in their profession’s scope of practice and within the boundaries of the individual’s training and competence
  - Students and other trainees, properly supervised
  - Family members implementing certain ABA procedures under the direction of a professional behavior analyst
  - Paraprofessionals implementing certain ABA procedures under the direction of a professional behavior analyst
Licensure: Risks and limitations

- Requires law to be adopted in each jurisdiction. Risks:
  - Political process with uncertain outcomes
  - Other groups likely to oppose bill, or to try to control B.A. licensure
- Developing and operating a licensure program can be costly.
  - Policymakers who are reluctant to spend $$ may assign licensure to existing board
  - Costs will be passed on to licensees, consumers
Licensure: Risks and limitations

*Licensing board or other regulatory body will determine*
- Who qualifies for licensure
- Whether non-licensed personnel can deliver ABA services
- How behavior analysis is practiced
- Licensure requirements vary across jurisdictions
APBA’s position on regulation

- Behavior analysts in each jurisdiction should evaluate carefully if governmental regulation is necessary or desirable and feasible and if so, which form of regulation is best.

- Statutes and rules/regs for implementing them should be based on BACB’s model act/APBA’s update
  - **Main qualification for government-issued credential(s): BACB certification**
  - **Independent behavior analyst regulatory board**
    - *Ensures that practice of ABA is regulated by behavior analysts*
Benefits of basing licensure on BACB credentials and standards

- Requirements
  - Have come from the profession (expert panels, job analysis studies)
  - Comport with case law, best practices in professional credentialing
  - Parallel requirements in other professions: degree, coursework, experiential training, passage of sound professional exam
- Assures that licensure requirements and practice of ABA are similar across locations
- Simplifies development of licensure statute and regs
- Assures that licensees are regulated by both BACB and state regulatory entity, providing two layers of protection for consumers and professionals
- Minimizes costs: BACB handles eligibility review, exam, etc. and coordinates disciplinary enforcement with local regulatory entity
Recommendations

- Help your provincial organization serve as THE voice for – and resource on -- behavior analysis.
- Get educated about, and active in, public policy work.
- Help the organization
  - Monitor legislative and regulatory activity.
  - Collect information and resources on current and proposed laws and regulations/rules; post on organization’s website.
  - Educate members and consumers about public policies.
  - Determine whether government regulation is desirable or feasible and if so, what form it should take.
  - Establish relationships with legislators, key state officials, consumers, other professional organizations.
  - Organize for grassroots advocacy.

- Come together. Unity is essential for effective advocacy, and for protecting and advancing the profession.
Association of

Professional
Behavior Analysts
Governmental Regulation of Behaviour Analysts

James E. Carr, PhD, BCBA-D
Chief Executive Officer

Growth of the Profession
Overall # of BCBAs per Year

- Overall number of BCBAs: 22,274
- New BCBAs per Year:
  - 2000: 0
  - 2001: 500
  - 2002: 1,000
  - 2003: 1,500
  - 2004: 2,000
  - 2005: 2,500
  - 2006: 3,000
  - 2007: 3,500

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Overall # of BCaBAs per Year

New BCaBAs per Year

24,770 certificants!
Registered Behavior Technicians

Data :: Ontario

<table>
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<tr>
<th>Certification</th>
<th># of Certificants</th>
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<tr>
<td>BCaBA</td>
<td>86</td>
</tr>
<tr>
<td>BCBA</td>
<td>576</td>
</tr>
<tr>
<td>BCBA-D</td>
<td>38</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>700</strong></td>
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BACB Certificants in Ontario

Credentialing
History of Credentialing

ABA Certification Program (1982-1988)
Florida Certificate Program (1979-1985)
Minnesota In-State Certification (1975-?)

Shaping of Requirements

US State Licensure (2009-present)


US State Regulation of Behavior Analysts

State Regulation Dates:
- MA 2015
- OR 2015
- CA 2015
- NV 2016
- UT 2015
- CO 2016
- SD 2016
- KS 2016
- TX 2016
- IL 2016
- WI 2016
- WI 2015
- MI 2015
- IA 2015
- IL 2015
- AL 2015
- VA 2015
- NY 2015
- NY 2014
- NY 2013
- NJ 2013
- PA 2013
- PA 2013
- VA 2013
- MD 2014
- VA 2014
- OH 2014
- OK 2010
- LA 2014
- KS 2017
- TX 2017
- AR 2017
- AR 2014
- LA 2015
- FL 2015

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Regulation of Behavior Technicians

- Regulated
- Exempt

Regulatory Authority

- Behavior Analysis
- Psychology
- Mental Health
- Medicine
- None

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Critical Questions?

- Should behavior analysts pursue governmental regulation?
- Where should the regulatory board be housed?
  - Private acts: self-regulation by the profession
  - Public acts: regulation by the province
- BACB credentials or standards?
- What are the costs to the governing body?
- Should non-certificants also be regulated?
- Restriction of practice to certain populations?

Regulatory Coordination with BACB

- Verification of certificant status
- Communications with registrants / certificants
- Coordination of disciplinary activities
Thank you