

# Behavioral Health Sub-Report

## Behavior Analysis

### Overview

The practice of behavior analysis is regulated in 37 states.<sup>55</sup> In Utah, the regulation of behavior analysts is overseen by the Division of Professional Licensing, Department of Commerce. Current license types include Licensed Behavior Analyst (LBA) and Licensed Assistant Behavior Analyst (LABA).

License Type	Scope	Authority	Education	Experience	Exam
LBA	Non-Mental Health Therapist	Independent	Master's Degree	✓	✓
LABA	Non-Mental Health Therapist	Supervised	Bachelor's Degree	✓	✓

### Fee Structure

License Type	Initial Licensing Fee		Annualized Renewal Fee	
	Utah Fee	US Median <sup>56</sup>	Utah Fee	US Median <sup>57</sup>
LBA	\$120	\$260	\$47	\$75
LABA	\$120	\$200	\$47	\$47

### Complaints

During the past 5 years (2018-2022), an average of **4** complaints were filed annually against an average of **4** Utah behavior analysts—or **.6%** of active licensees in any given year. On average, **2** of those complaints were found to be substantiated (50%).<sup>58</sup> Common types of substantiated complaints among behavioral health licensees include violations of ethical standards, incompetence and/or negligence, sexual misconduct, criminal conduct, substance use, unauthorized practice, and failure to release records.

<sup>55</sup> Georgia, Illinois, Indiana, Nebraska, and New Jersey have recently passed laws to regulate BA, and are counted here, although they do not have the license yet.

<sup>56</sup> Data available for only 31 of 37 states that license LBAs and 24 out of 29 states that license LABAs.

<sup>57</sup> Data available for only 30 of 37 states that license LBAs and 20 of 29 states that license LABAs.

<sup>58</sup> OPLR Analysis of DOPL Substantiated Complaint Data

## Wait Times and Active Licensees

On average, Utah behavior analysts report that at their primary practice location there is a **~131 day wait time** for those seeking care. This is one of the highest wait times in the state and is much higher than the **~37 day** average across Utah’s behavioral health care field, as well as the **10 day CMS** guideline.<sup>59,60</sup>

Name	# Active Licensees	Annualized 5-Year Growth Rate <sup>61</sup>
LBA	712	43.86%
LABA	28	-7.83%
All	752 <sup>62</sup>	28.52%

## Recommendations

### Relevant Recommendations from OPLR’s Periodic Review

The following recommendations from OPLR’s periodic review of the regulation of the behavioral health care workforce are relevant for behavior analysis (see final report for additional information):

- 1c. Continuing Education
- 3a. Recovery Assistance (UPHP)
- 5a. Multi-Profession Board

### Additional Recommendations

In addition to the relevant recommendations listed above, OPLR recommends that Utah policymakers enact the following change to the regulation of behavior analysts.

- **National Certification Pathway.** Create a national certification pathway to licensure for Behavior Analysts by granting licensure to applicants who are currently certified in good standing with the Behavior Analyst Certification Board (BACB) as a Board-Certified Behavior Analyst (BCBA); Create a national certification pathway to licensure for Assistant Behavior Analysts by granting licensure to applicants who are currently certified and in good standing with the BACB as a Board Certified Assistant Behavior Analyst (BCaBA). (58-61-705)
- **Board Representation.** For each of the advisory committees to the multi-profession board, require that behavior analysis be represented independently from psychology and treated as a distinct profession.

<sup>59</sup> OPLR Behavioral Health Care Workforce Survey (CPMDS)

<sup>60</sup> Centers for Medicare & Medicaid Services Center for Consumer Information and Insurance Oversight (2022). *2023 Letter to Issuers in the Federally-facilitated Exchanges*. [online] U.S. Department of Health and Human Services. Available at: <https://www.cms.gov/files/document/2023-draft-letter-issuers-508.pdf>

<sup>61</sup> OPLR Analysis of DOPL Licensing Data

<sup>62</sup> The number of behavior analysts and assistant behavior analysts do not sum to the total number of active licensees due to holders of license types that are no longer issued (e.g., behavior specialist) and subtypes not listed above (e.g., interns).

## National Certification Licensure Pathway

### Summary of Recommendation

Create a national certification pathway to licensure for Behavior Analysts by granting licensure to applicants who are currently certified in good standing with the Behavior Analyst Certification Board (BACB) as a Board-Certified Behavior Analyst (BCBA).

Create a national certification pathway to licensure for Assistant Behavior Analysts by granting licensure to applicants who are currently certified and in good standing with the BACB as a Board Certified Assistant Behavior Analyst (BCaBA). (58-61-705)

**Status Quo.** Currently, candidates for licensure as a behavior analyst must have each of their entry qualifications (e.g., exam, education, experience) verified by the state.

**Existing Approaches.** 26 states require BACB certification for licensure as a behavior analyst, 10 of which require *only* BACB certification as proof of an applicant's pre-licensure qualifications. 21 states require BCaBA certification for licensure as an assistant behavior analyst, 8 of which require *only* BCaBA certification as proof of an applicant's pre-licensure qualifications.<sup>63</sup>

**Rationale.** Industry stakeholders shared their frustration that the current state licensing process requires individuals to duplicate the process of having their qualifying credentials verified—a process which many applicants for licensure already complete through the Behavior Analyst Certification Board (BACB).<sup>64</sup> Not only do the current requirements place an added workload on DOPL, they also can be a barrier to mobility for behavior analysis professionals from other jurisdictions who are seeking Utah licensure. Not all U.S. jurisdictions license behavior analysts, so some practitioners cannot seek licensure in Utah by endorsement of an existing license, nor are they allowed to present their national certification as proof of qualifications. Instead, they are required to re-verify each of their qualifications in order to become licensed. In practice, this might mean locating educational transcripts, exam scores, and evidence of supervision hours from many years prior. This is unnecessarily burdensome not only to the candidate, but also to the state.

The BACB standards for national certification are already equivalent to or higher than Utah's current standards, depending on the selected certification pathway, so this change would not represent any decrease in Utah's standards for licensing. Further, there is precedent within Utah for accepting national certification instead of verifying individual entry qualifications—state certified music therapists may be certified by the state using their national professional certification. Additionally, BACB certification was accepted as satisfactory proof of qualification for licensure in Utah prior to 2015.<sup>65</sup> Accepting national certification for licensure could also open up opportunities for practitioners who have taken alternative pathways to national certification to then gain full state

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<sup>63</sup> Many states that require BACB/BCaBA certification require an applicant to send in proof of exam or education along with proof of certification.

<sup>64</sup> OPLR Listening & Vetting Tour

<sup>65</sup> [UCA 58-61-705](#)

licensure, as there are a total of 4 eligibility pathways allowed by BACB for the master’s-level certification and 2 for the bachelor’s-level certification, all of which meet or exceed the rigor of Utah’s current requirements for licensure. (See table below). These additional pathways could result in increased provider availability, the need for which is clearly shown by behavior analysts’ reported long wait times. Please note that this recommendation is only designed to change the required documentation of qualifications for licensure, and would not constitute the delegation of any monitoring or disciplinary authority to BACB or other private entities.

**Master’s-Level Licensure and Certification Pathways Comparison**

Utah Licensure		BACB Pathways to Certification as a BCBA <sup>66</sup>			
	Current Utah Requirements	Accredited Degree Pathway	Coursework Pathway	Faculty Pathway	Postdoctoral Pathway
<b>Degree</b>	Accredited master’s or doctoral degree in applied behavior analysis	Accredited master’s degree or higher in applied behavior analysis	Graduate degree	Graduate degree	Doctoral degree
<b>Behavior-Analytic Content</b>			Behavior-analytic coursework	Faculty teaching and research	Postdoctoral experience
<b>Fieldwork</b>	1,500 supervised hours	2,000 supervised fieldwork hours or 1,500 concentrated supervised fieldwork hours			
<b>Exam</b>	BCBA Exam	BCBA Exam			

**Bachelor’s-Level Licensure and Certification Pathways Comparison**

Utah Licensure		BACB Pathways to Certification as a BCaBA <sup>67</sup>	
	Current Requirements	Accredited Degree Pathway	Coursework Pathway
<b>Degree</b>	Undergraduate degree	Accredited bachelor’s degree or higher in applied behavior analysis	Undergraduate degree
<b>Behavior-Analytic Content</b>	Behavior-analytic coursework		Behavior-analytic coursework
<b>Fieldwork</b>	1,000 supervised hours	1,300 supervised fieldwork hours or 1,000 concentrated supervised fieldwork hours	
<b>Exam</b>	BCaBA Exam	BCaBA Exam	

<sup>66</sup> Behavior Analyst Certification Board (2022). *Board Certified Behavior Analyst Handbook*. [online] Available at: [https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook\\_231023-2-a.pdf](https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_231023-2-a.pdf)

<sup>67</sup> Behavior Analyst Certification Board (2022). *Board Certified Assistant Behavior Analyst Handbook*. [online] Available at: [https://www.bacb.com/wp-content/uploads/2022/01/BCaBAHandbook\\_231023-a.pdf](https://www.bacb.com/wp-content/uploads/2022/01/BCaBAHandbook_231023-a.pdf)

**Key Considerations.** Policymakers should note that this new pathway would be made available in addition to the existing pathway to reduce the documentation burden both for administrators and for those who are already nationally certified. Applicants would have the option to either present their national certification as proof of qualifications for licensure, or to have documentation of each entry qualification individually verified by DOPL.

Where BACB certification is specified in statute or rule, language should be designed to ensure that recognition of national credentials is not exclusive to those of BACB. Such language should specify that certification from successor organizations or other national certifications deemed equivalent by the board can also be accepted.

## Behavior Analysis Representation on Multi-Profession Board

### Summary of Recommendation

For each of the advisory committees to the multi-profession board, require that behavior analysis be represented independently from psychology and treated as a distinct profession.

**Status Quo.** Behavior analysts are currently regulated through the Psychology board and are represented by one board seat, out of six total seats. The other five seats are held by four psychologists and one public member. The current statute only allows the behavior analyst member to participate in board proceedings (including voting) for issues relevant to the Behavior Analyst Licensing Act.<sup>68</sup>

**Existing Approaches.** Across the U.S., 68% of states (34 total) have multi-profession behavioral health boards that merge oversight for multiple core behavioral health professions (usually three or more). These multi-profession boards incorporate varying representation of different occupations and levels of practice within behavioral health, and provide support to state regulators on issues that impact the behavioral health field as a whole. Subcommittees and working groups are then formed, with appropriate professional representation, to address occupation-specific tasks. This proposed change in board representation for behavior analysis is made in conjunction with OPLR's recommendation to implement this multi-profession board model in Utah. Please refer to OPLR's field-level report on behavioral health for a more detailed description of how the proposed multi-profession board will be structured and how individual occupations would be represented.

**Rationale.** The current structure of the Psychology board is such that those with expertise specific to the practice of behavior analysis may not be sufficiently represented when occupation-specific issues come before the board (e.g., disciplinary proceedings or evaluation of training qualifications). While the single behavior analyst board member is only allowed to vote on issues that directly apply to the practice and licensing of behavior analysts, the remaining board members, (four psychologists and a public member) are all allowed to vote on behavior analysis issues. A behavior analyst shared the following in an OPLR focus group: "I think that having a second

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<sup>68</sup> [UCA 58-61-201](#)

[behavior analyst] on the board would be valuable.... There's a lot of psychology issues that they're dealing with and not so many [behavior analysis] issues ... . As a behavior analyst, it would be helpful to know that the board you're going to has a better understanding of [behavior analysts' issues]. That is a safeguard that would be helpful."<sup>69</sup> DOPL staff also expressed that it is important for behavior analysts to have more of a voice when it comes to occupation-specific board functions. By ensuring that behavior analysts receive independent representation in any occupation-specific subsets of the proposed multi-profession board, both practitioners and the public will benefit from the increased expertise available to handle safety issues unique to the practice of behavior analysis.

**Additional Idea.** If the multi-profession board proposal is not adopted, a new Behavior Analysis board should be created that is separate from the existing Psychology board.

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<sup>69</sup> OPLR Listening & Vetting Tour