



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 282
[2009 Senate Bill 667]

Licensure of Behavior Analysts

Under current law, health insurance policies and self-insured governmental and school district health plans are required to cover a specified amount of intensive-level services and nonintensive-level services for the treatment of autism and other similar conditions. Current law requires that the treatment be prescribed by a physician and provided by the following specific providers, in order to be covered under the health plan:

- Psychiatrist.
- Psychologist.
- Social worker who is certified or licensed to practice psychotherapy.
- Paraprofessional working under the supervision of a psychiatrist, psychologist, or social worker who is certified or licensed to practice psychotherapy.
- Professional working under the supervision of an outpatient mental health clinic.
- Speech-language pathologist.
- Occupational therapist.

2009 Wisconsin Act 282 adds behavior analysts to the list of providers that may provide covered services for the treatment of autism and related conditions. Paraprofessionals working under a behavior analyst's supervision are also covered.

The Act also provides for licensure and regulation of behavior analysts. Under the Act, a person must be licensed by the Department of Regulation and Licensing (DRL) to engage in the practice of behavior analysis. The practice of behavior analysis is defined as "the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvements in human behavior, including the empirical identification of functional relations between

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

behavior and environmental factors, including interventions based on scientific research and the direct observation and measurement of behavior and environment.” The Act specifies that the practice of behavior analysis does not include psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, marriage counseling, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

The Act provides that the licensure requirement may not be applied to restrict the practice of behavior analysis within the scope of practice of a licensed professional who is not a behavior analyst, if the professional does not represent that he or she is a behavior analyst. An unlicensed person who practices behavior analysis is subject to a fine up to \$250, up to three months in jail, or both.

To become licensed, an applicant must submit to DRL an application, an initial credential, and evidence that the applicant is certified as a behavior analyst by the Behavior Analyst Certification Board, Inc., a private organization. DRL may not grant a license to an applicant who has been convicted of certain crimes specified in the Act.

The Act authorizes DRL to promulgate rules on the practice of behavior analysis, including rules authorizing the issuance of temporary permits to practice behavior analysis, but any rules must be consistent with standards established by the Behavior Analyst Certification Board, Inc.

The rules may not impose additional educational requirements; nor may the rules require a behavior analyst to practice under supervision by, or in collaboration with, another health care provider; require a behavior analyst to enter into an agreement with another health care provider; or limit the location where a behavior analyst may practice.

The Act requires a behavior analyst to provide a summary of the behavior analyst’s experience and training and a copy of any rules promulgated by DRL to the client. The Act also authorizes DRL to discipline a behavior analyst who engages in unprofessional conduct or who commits any other infraction identified in the bill.

Effective date: May 26, 2010, except for the provisions regarding licensure of behavior analysts, which take effect on June 24, 2010.

Prepared by: Laura Rose, Deputy Director

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