

Applied Behavior Analysis

Laws, Regulations & Guidance for Licensure

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Objectives



1. NYSED Board for Applied Behavior Analysis (ABA)



2. Education Law



3. Rules of the Board of Regents



4. Regulations of the Commissioner of Education



5. Applied Behavior Analysis Practice, Services & Supervision



6. Guidance for Professional Practice



7. ABA -Additional Considerations for Guidance

§8808. NY State Board for Applied Behavior Analysis

- Appointed by the Board of Regents
- Advises on matters of licensing and professional conduct
- Includes:
 - 3 licensed behavior analysts
 - 1 certified behavior analyst assistant
 - 1 licensed psychologist, who may currently prescribe treatment involving applied behavior analysis in his or her professional practice
 - 2 public representatives

New York State Education Law

Article 167

Applied Behavior Analysis

§8801. **Definition of**

"Applied behavior analysis" or "ABA" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

New York State Education Law

Article 167

Applied Behavior Analysis

§8802. The **practice** of “applied behavior analysis” by a “licensed behavior analyst”

- Design, implementation and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior
 - Direct observation, measurement, and functional analysis of the relationship between environment and behavior
 - Requires a diagnosis and prescription or order from a qualified person
- Shall provide a report at least annually regarding the status of the individual served

New York State Education Law

Article 167

Applied Behavior Analysis

§8802. The practice of applied behavior analysis by a "certified behavior analyst assistant (CBAA)"

- The services and activities provided by a CBAA who works under the supervision of a Licensed Behavior Analyst (LBA) to perform applied behavior analysis tasks assigned by the supervising LBA
- Supervision of a CBAA by an LBA shall be in accordance with regulations of the Commissioner
- No LBA shall supervise more than six CBAA

New York State Education Law

Article 167

Applied Behavior Analysis

§8803. The practice and use of the titles:

“licensed behavior analyst”

“certified behavior analyst assistant”

Education Law §8804. Requirements for Professional Licensure

Licensed Behavior Analyst

- Education: A master's or higher.
- Experience: Have experience in the practice of applied behavior analysis.
- Examination: Pass an examination.
Board Certified Behavior Analyst[®] (BCBA[®]) certification exam.
- Meet age, character requirements, and pay a fee.

Certified Behavior Analyst Assistant

- Education: A bachelors or higher.
- Experience: Have experience in the practice of applied behavior analysis.
- Examination: Pass an examination.
Board Certified Assistant Behavior Analyst[®] (BCaBA[®]) certification exam.
- Meet age, character requirements, and pay a fee.

New York State Education Law

§8806. Graduate Permits



Education Law §8807. Exemptions

Exemption	Nothing contained in this article shall be construed...
3	...a certified teacher or teaching assistant, from performing the duties of a Licensed Behavior Analyst or a Certified Behavior Analyst Assistant, in the course of such employment or contractual agreement, employed or contracted with an agency approved by the Department of Health to provide early intervention services.
6	...an early intervention Applied Behavior Analyst aide, acting under the supervision and direction of a qualified supervisor who is licensed or otherwise authorized pursuant to title eight of this chapter.

Rules of the Board of Regents

Part 29, Unprofessional Conduct

§ 29.1 General Provisions

§ 29.20 Special provisions for the applied behavior analysis professions

Regulations of the Commissioner of Education New York State Licensure

[Subpart 79-17](#)
[Licensed Behavior Analysts](#)

[Subpart 79-18](#)
[Certified Behavior Analyst Assistants](#)

Professional
study

Experience
requirement

Licensing
examination

Graduate
permits

Special
provisions

Applied Behavior Analyst Practice

- Requires a diagnosis and prescription by a qualifying professional*
- An appropriate license or exemption under Education Law
- Licensed Behavior Analysts
 - provide services and activities
 - design, implement and evaluate environmental modifications
 - use behavioral stimuli and consequences
 - for the goal of socially significant improvement in human behavior

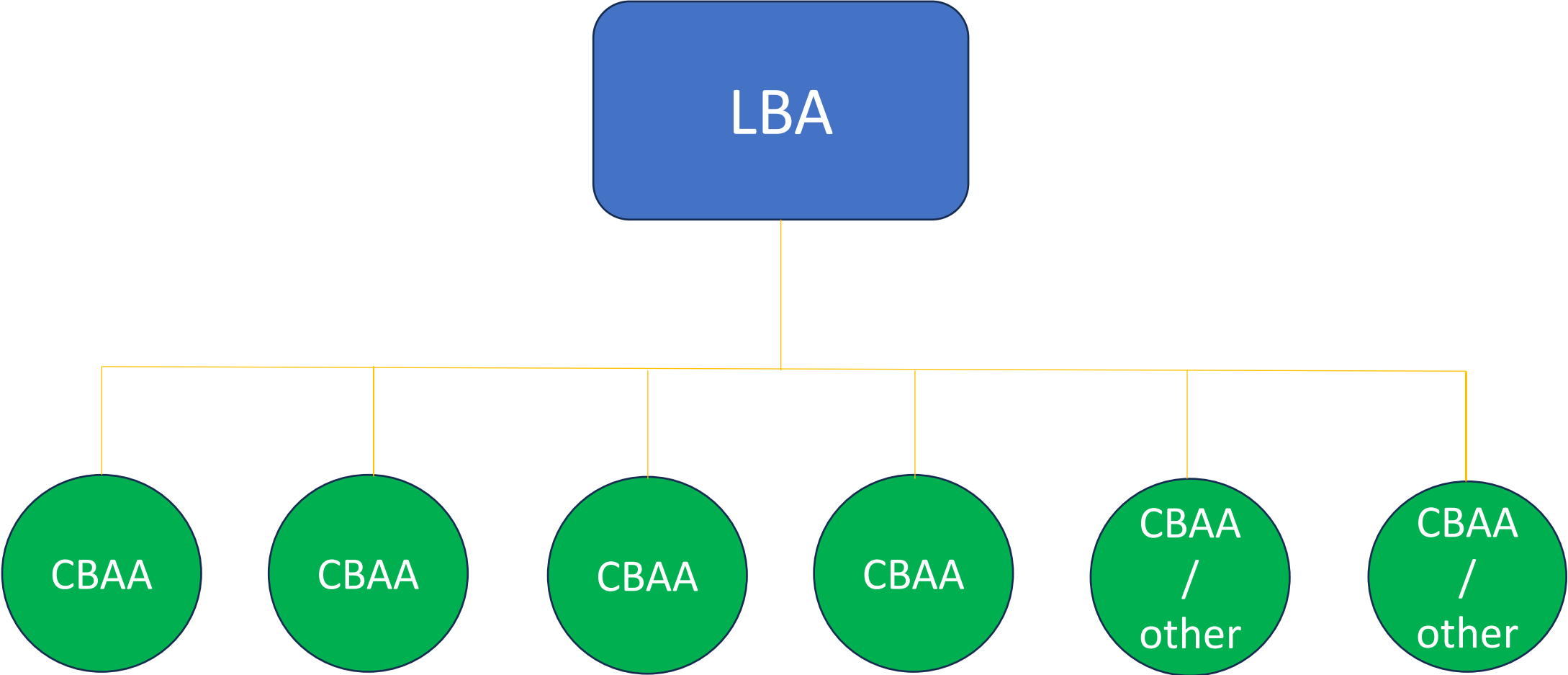
Licensed Behavior Analyst Services

- Assessment following prescription or order
- Design applied behavior analysis (ABA) plans and sessions
 - Elements
 - Data
- Modify and terminate ABA plans
- Collaborate and coordinate with others
- Supervise and train individuals conducting sessions
- Reassess the client periodically for progress and revision
- Report annual client progress to the prescribing professional

Supervision Licensed Behavior Analyst (LBA) → Certified Behavior Analyst Assistant

- Define terms of the supervisory relationship
- Discuss professional responsibility and accountability
- Obtain client consent for supervised sessions
- Avoid conflicts of interest and dual relationships
- Detail documentation and record maintenance
- Accountability

Supervision



Unlicensed Personnel

- Follows the scripted plan and records data
 - Prepares the setting and session materials as designed by the Licensed Behavior Analyst
 - Carries out the plan
 - Records data
 - Provides factual session notes

Professional Practice

Assessment and Treatment Plans

Supervision

Professional Standards of Care in Applied Behavior Analysis Practice

Telepractice

Dual Relationships

Fee Disputes

Sexual Harassment

Advertising Treatment Outcomes

Guidance on the Roles of Licensed Providers and Unlicensed Personnel

Maintaining Appropriate Professional Boundaries



Frequently Asked Questions

Frequently Asked Question # 48

Are there activities related to the practice of applied behavior analysis that may be provided by persons who are not licensed or otherwise authorized by Title VIII of Education Law?

Frequently Asked Question # 49

Are there activities related to the practice of applied behavior analysis that unlicensed members of a multi-disciplinary team may not provide?

Frequently Asked Question # 50

May an Applied Behavior Analysis Aide provide applied behavior analysis services in the Early Intervention Program?

Frequently Asked Question # 51

Unlicensed personnel may be employed in an early intervention setting or participate as a member of a multi-disciplinary team.

In these settings, who is responsible for ensuring that they do not perform tasks that require professional skill or judgment or are tasks that fall in the restricted practice of licensed professions?

Additional New York State Education Department Website Resources for Applied Behavior Analysis



[LICENSE AND
CERTIFICATION
REQUIREMENTS](#)



[APPLICATION
FORMS](#)



[CONTACT
INFORMATION](#)



[CONSUMER
INFORMATION](#)



[LICENSE
STATISTICS](#)



[BOARD
MEETINGS](#)

Applied Behavior Analysis – What else to consider?

Other State Rules and Guidance

- Preschool-12th grade education (NYSED)
- Early intervention
- Department of Health

Reimbursement

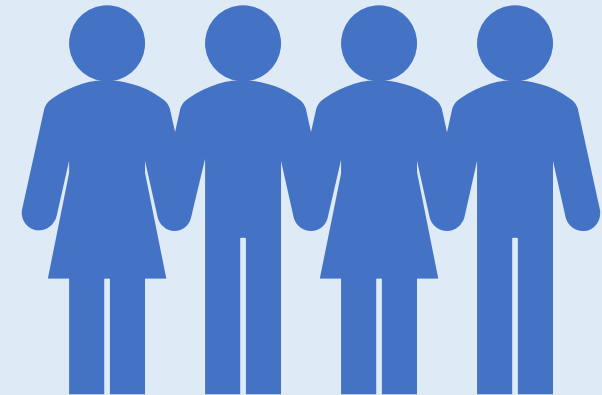
- Medicaid
- Private Insurers
- Private Pay

Federal, local and regional laws, rules and regulations

Best Practice

Professional Organizations

- [NYSED OP LBA](#)
- [NYSED OP CBAA](#)
- [Behavior Analysis Certification Board \(BACB\)](#)
- [Association for Behavior Analyst International \(ABAI\)](#)
- [New York State Association for Applied Behavior Analysis \(NYSABA\)](#)
- [Association of Professional Behavior Analysts \(APBA\)](#)
- [Autism Speaks](#)
- [Council for Autism Service Providers \(CASP\)](#)
- And other regional associations supporting ABA



References

- <https://www.op.nysed.gov/licensed-behavior-analysts>
- https://www.health.ny.gov/community/infants_children/early_intervention/ (November 2025)
- Title II-a Early Intervention Program for Infants and Toddlers With Disabilities and Their Families.(2014).
https://www.health.ny.gov/community/infants_children/early_intervention/regulations/docs/article_25_phl.pdf#:~:text=TITLE%20II%2DA%20EARLY%20INTERVENTION%20PROGRAM,Establishment%20of%20early%20intervention%20program.
- https://www.health.ny.gov/regulations/state_plans/status/non-inst/approved/docs/app_2023-10-30_spa_23-73.pdf (October 2023)
- https://www.health.ny.gov/community/infants_children/early_intervention/service_providers/ (January 2026)
- <https://www.health.ny.gov/publications/20152.pdf> (p. 64 ABA and the Developmental perspective) Clinical Practice Guideline on Assessment and Intervention Services for Young Children with Autism Spectrum Disorder (ASD)