A·B·A·I
Association for Behavior Analysis International

Check for updates

The Road to Licensure of Behavior Analysts in Texas: History and Lessons Learned

Berenice de la Cruz[1] · Gordon Bourland[2] · Katherine M. Johnson-Patagoc[3] · Jeffrey Dillen[3] · Rany Thommen[3] · Jennifer N. Fritz[4] · Regina Crone[5]

Abstract

In over 30 US states since early this century, behavior analysts have worked for months and years to secure laws to license behavior analysts. At present, very few published accounts exist to document those efforts and to provide models and recommendations for behavior analysts who are interested in advocating for licensure or some form of governmental regulation of behavior analysts. Many are well-prepared in behavior analysis but have little preparation for dealing effectively with the contingencies and procedures involved in making public policies. We provide an account of the extended, complicated efforts by behavior analysts in one state that culminated in establishment of state licensure of behavior analysts. Key activities described here include foundational organizational work by a state behavior analysis organization, preliminary licensure efforts, educating behavior analysts on public policy advocacy, establishing relationships with legislators and their staff as well as government regulatory agency personnel, developing of important alliances with various stakeholders, and review of final successful efforts. Successful efforts and lessons learned are reviewed.

Keywords ABA · Licensure · Advocacy · Public policy

The field of applied behavior analysis (ABA) is developing rapidly. One result is that over the past 15 years behavior analysts and others in many states have advocated for government regulation of ABA practitioners, typically in the form of licensure. In 2009, Nevada and Oklahoma were the first states to adopt behavior analyst licensure laws. As of July 2024, that number had grown to 38 states (Behavior Analyst Certification Board®, 2024a). When Texas Senate Bill (SB) 589 passed on June 15, 2017, Texas became the 30th state to adopt a behavior analyst licensure law. The law became effective September 1, 2017, establishing recognition in Texas law of the practice of ABA as a highly specialized and distinct profession, uniform requirements for the practice of the profession, and a state entity to ensure accountability of behavior analyst practitioners to protect consumers. This article documents efforts to establish licensure of behavior analysts in Texas and describes lessons learned. It is important to note that some processes and circumstances described here are specific to Texas and may not apply to other states or in nations other than the US.

Professional Licensure and Certification

One common form of professional regulation is certification. In the early 1970s, behavior analysts began having discussions at conferences and in some articles about the need to develop credentialing programs with uniform education and practical training standards for ABA practitioners. Following some earlier behavior analyst certification programs by the Minnesota Department of Welfare, the Association for Behavior Analysis, and especially the Florida Developmental Services Program Office, as an outgrowth of the

✉ Berenice de la Cruz
  bdelacruz@tamusa.edu

1 Applied Behavior Analysis Program, Texas A&M University-San Antonio, Classroom Hall 214Q, One University Way, San Antonio, TX 78224, USA

2 Trinity Behavioral Associates, Arlington, TX, USA

3 Texana Center, Rosenberg, TX, USA

4 Department of Psychological and Behavioral Health Sciences, University of Houston-Clear Lake, Houston, TX, USA

5 Therapy and Beyond, Flower Mound, TX, USA

Florida certification program, in 1998 the Behavior Analyst Certification Board® (BACB®) was established as an independent, international nonprofit credentialing organization. The BACB developed and has continued to revise eligibility requirements (degrees, coursework, supervised experiential training) and examination content to certify individual ABA practitioners. A detailed review of early activities related to behavior analyst certification is outside the scope of this paper. Johnston et al. (2017) provide an informative overview.

Another common form of professional regulation is licensure, which in the U.S. is established by laws that are adopted by each state and enforced by a state governmental entity. Although both certification and licensure are meant to protect consumers and have common features (educational and practical training requirements, examinations, an entity that manages the credentialing programs), there are several important differences. Certifications, unlike licenses, are voluntary unless specified by law or regulation as a requirement (e.g., for state licensure or to receive certain third-party payments), but licensure is mandatory. State governmental entities (e.g., state licensing boards) are required and authorized to enforce licensure laws and rules, whereas most certifying entities are national non-governmental organizations that lack legal authority to enforce their standards with anyone other than their certificants or candidates for certification. Therefore, absent a law that requires a license to practice a profession, persons who are not certified in the profession can generally practice as they wish unless they violate other laws (e.g., by engaging in fraud, abuse, or neglect). Without a licensure law, the sanctions imposed on individuals behaving outside the norms of the profession are typically limited to actions such as cease-and-desist letters to individuals who make false claims of being certified, prohibition of violators of examination rules from obtaining certification, and revocation of certifications for individuals who are found to have violated the certifying entity's ethical or other standards. In such states, individuals who are not certified by the certifying entity can generally practice ABA and call themselves behavior analysts with no oversight or consequences for unethical conduct. The certifying entity can take no actions against such individuals unless they claim to hold a certification that is issued by the certifying entity. Further, the certifying body cannot require anyone to hold a behavior analyst certification. Absent licensure laws, practitioners who have had their behavior analyst certification revoked can provide ABA services if they do not refer to themselves as certified behavior analysts. In short, certification itself provides consumers with fewer protections from harm than does licensure.

Over the past 25 years, several factors have contributed to a surge in the demand for ABA. The publication by Catherine Maurice of an account of the impact of ABA intervention on the lives of her two children diagnosed with autism greatly increased interest in and demand for ABA services by parents and others (Maurice, 1993). Following popularization of the Maurice book, many parents of children with autism, some of whom had received little benefit from other interventions, began pursuing ABA services for their children. Another factor contributing to increased demand for ABA services was the passage of state laws requiring some insurance carriers to fund ABA treatment for autism (Trivedi, n.d.). The first state to pass such a law was Indiana in 2001. In 2007, Texas enacted a similar law with House Bill (HB) 1919 that included insurance coverage requirements. That law was revised in 2009 with HB 451 and again in 2013 with SB 1484 (Autism Speaks, 2019). Those laws required at least some health insurance coverage of ABA services for individuals with autism and specified that providers have a formal credential in behavior analysis, either BACB certification or a state license. In those early years, certification by the BACB was accepted by most health insurance plans because behavior analyst licensure was not available in Texas or most other states. In time, the demand for services also included demand for excellence in services, including uniform training and other standards.

Professional Association Work on Licensure in Texas

The Texas Association for Behavior Analysis (TxABA) was established in 1985. The impact of state licensure laws for various professions on the practice of behavior analysis in Texas was a concern to members of TxABA as far back as the early 1990s. Concerns arose initially during the 1992 sunset review of the Texas State Board of Examiners of Psychologists (TSBEP). A sunset review involves a governmental entity, often a legislature or a group it appoints, reviewing whether a government agency or program is still needed or effective after having been active for a specified amount of time. The reviewers can recommend continuation of the agency or program as it is or with revision, or they can recommend discontinuation or elimination of the program. The definition of the practice of psychology in the psychology licensure law was addressed during the TSBEP review. The possibility of expanding the definition to include behavior analysis in particular occasioned concern by behavior analysts. The main concern was that including behavior analysis in the definition of psychology would result in the practice of behavior analysis being governed by the TSBEP, a group that did not include individuals with formal training explicitly in behavior analysis. Many provisions of the psychology licensure statutes and regulations did not pertain to behavior analysis and did not address numerous factors relevant to the practice of behavior analysis. Additionally, as in most states,

only persons with doctorates could be licensed as psychologists and, thus, practice independently in Texas. This latter consideration struck most behavior analysts as problematic because most people practicing behavior analysis in Texas held master's rather than doctoral degrees. If behavior analysis were subsumed under psychology in the law's eyes, such persons would be restricted to providing behavior analysis services only if they were supervised by a licensed psychologist, very few of whom had extensive training and expertise in behavior analysis. Such a requirement for supervision of behavior analysts would have further limited access to ABA services as well as increased the cost of those services.

Owing to these concerns, in 1992, a group of leaders in behavior analysis in Texas, along with the then Executive Director of the Association for Behavior Analysis (now the Association for Behavior Analysis International, ABAI), testified at a hearing of the Texas Sunset Advisory Commission and recommended that behavior analysis not be mentioned specifically in the definition of the practice of psychology or as an area in the practice of psychology in the psychology licensure law. To represent the perspectives of a range of behavior analysts, the group of leaders included people working in a variety of settings, including some in academic settings. The final recommendation of the commission regarding the definition of the practice of psychology included incorporation of "behavior analysis and therapy" (*sic*). During the next legislative session, the State Legislature amended the psychology licensure statute accordingly. That change in the statute did not result in any apparent change in perspective of psychologists nor in punitive action to behavior analysts who were practicing behavior analysis though they were not licensed as psychologists. However, numerous behavior analysts in Texas who were not and could not be licensed as psychologists voiced concern that eventually they might be required to cease providing behavior analysis services unless they were supervised by a licensed psychologist. Behavior analysts began to have discussions regarding how to protect themselves from a requirement to be supervised by licensed psychologists to provide ABA services. At that time, TxABA leaders initiated no actions related to behavior analyst licensure other than attempting to stay informed of any legislative or regulatory actions that might be relevant to the practice of behavior analysis, especially activities of the TSBEP and the Texas Psychological Association (TPA).

Discussions regarding the possibility that behavior analysts in Texas could be required to work under the supervision of licensed psychologists gradually increased in frequency and intensity, although there was also continued discussion about the possibility of behavior analysts in Texas being licensed and able to practice independent of oversight by any other profession. Behavior analysts discussed the presumed need for behavior analysts to either be licensed as or supervised by psychologists. These discussions consisted of personal conversations and correspondence by individual psychologists and with the TPA. The establishment of the BACB's certification programs in 1998 did not alleviate behavior analysts' concerns regarding their ability to practice independently, did not change TSBEP's views about the practice of ABA, and did not diminish TxABA's interest in exploring behavior analyst licensure.

TxABA's Legislative Efforts in the Early 2000s

Around 2003, TxABA began actively monitoring legislative activity relevant to the practice of behavior analysts. When the TSBEP again underwent sunset review in 2004, it recommended including behavior analysis in the definition of the practice of psychology in the psychology licensure law, reviving concerns among behavior analysts about their ability to practice independent of supervision from another profession. These behavior analysts again voiced their concerns in comment to the Texas Sunset Advisory Commission. The commission recommended leaving "behavior analysis and therapy" in the definition of the practice of psychology in 1992, and it did so again in 2005 at the conclusion of the 2004 sunset review. Even though no behavior analysts at that time had been ordered to practice under the supervision of licensed psychologists, the potential legal threat to independent practice by behavior analysts remained salient. TxABA members working in Austin, the state capital, and employed by state agencies, volunteered to monitor actions of those and other agencies and to communicate with persons working in legislative offices about actions relevant to behavior analysis. Additionally, members of the TxABA Public Policy Committee used the legislature's publicly available online monitoring system by setting alerts for bills that included terms such as "behavior analysis," "behavior analyst," and "behavior analyst license." Particular attention was given to proposed legislation involving licensure, funding of behavior analysis services through state Medicaid waiver programs, and insurance coverage of behavior analysis services for autistic persons and others.

In 2009, the TxABA Executive Council began actively discussing the prospect of behavior analyst licensure in Texas. In large part, these discussions reflected similar discussions at a special meeting of ABAI affiliated chapters during the 2009 ABAI convention related to behavior analyst licensure. Speakers at that meeting emphasized the uniqueness of the philosophy and practice of behavior analysis and the importance of preventing the profession of behavior analysis from being dominated and overseen by another profession (psychology). These had been issues of concern to members of TxABA for over a decade. In its June 2009 meeting, TxABA leadership articulated the following: (1) the need for TxABA to develop a position statement on

licensure; (2) the need for TxABA to provide input (e.g., regarding composition of licensing board) should a licensing bill be initiated in Texas; (3) the need for TxABA to be proactive and make itself known to legislators before the next legislative session began, in case these issues arose in that session; (4) the limitations on political and legislative lobbying by TxABA as a 501(c)(3) nonprofit organization; and (5) the plan to pursue contracting with a lobbyist to represent its interests in state legislative and regulatory matters.

TxABA Licensure Task Force

Later in 2009, the President of TxABA appointed a task force to explore behavior analyst licensure issues in Texas. Seven behavior analysts active in Texas, all certified by the BACB, composed the task force. They were primarily practitioners and supervisors of behavior analysis treatment programs. These individuals were considered most likely directly affected by any licensure law the state enacted, as they might be required to work under the supervision of licensed psychologists. Several task force members held part-time positions teaching behavior analysis courses, but none held full-time academic appointments. The group examined general pros and cons of licensing behavior analysts, the value and practicality of establishing licensure in Texas, licensure statutes enacted to date in other states, and recommendations for a behavior analyst licensure law relevant to Texas. The task force considered surveying behavior analysts in Texas (done subsequently by TxABA) and began interacting with advocacy groups regarding licensure. They researched licensure models. They also interacted with representatives from organizations related to other licensed human service professionals in the state (e.g., social workers, psychologists, speech pathologists) to learn more about their licensure programs and to discern any positions they held regarding behavior analyst licensure. They considered the recently developed model licensure acts for behavior analysts drafted separately by ABAI in 2010 and the BACB in 2009 and previously. Eventually, the Executive Council of ABAI withdrew that organization's model licensure act, and the BACB updated its model act periodically in subsequent years until it was ultimately replaced by the Association of Professional Behavior Analysts *Model Behavior Analyst Licensure Act* in 2018.

During the 2010 annual TxABA convention, behavior analyst licensure was a major topic of discussion. The program included a presentation titled, "Reflections on Licensure of Behavior Analysts," by Michael Dorsey of the ABAI Practice Board and Thomas Evans, a behavior analyst in Oklahoma who played a critical role in the establishment of behavior analyst licensure in that state. The presentation set the occasion for lively discussion, and the TxABA Licensure Task Force considered the views expressed in those

discussions when developing their recommendations to be presented to the TxABA Executive Council.

TxABA Licensure Task Force Recommendations on Licensure

The TxABA Licensure Task Force released its report to the TxABA Executive Council following the 2010 TxABA convention. The report made the following recommendations regarding behavior analyst licensure in Texas:

1. TxABA should continue studying licensure, finalize a plan to seek licensure, and stand ready to introduce legislation at the appropriate time, as determined by the TxABA Executive Council.
2. Collaboration should be sought with other professional groups and parent groups.
3. The BACB model licensure act should be used as a model given that, to varying degrees, some states (e.g., OK, NV, KY) had already specified BACB certification as the basis for licensure.

In July 2010, the TxABA Executive Council reviewed and supported the licensure task force report.

2011 and 2013 Legislative Sessions

The Texas legislature meets biennially. Prior to and during the 2011 and 2013 sessions of the Texas legislature, the TxABA Legislative Committee, the TxABA Executive Council, and its allies actively monitored legislative developments; attended meetings of the TSBEP to stay aware of discussions about and provide public comments on behavior analyst licensure; consulted with behavior analysts across the US; and interacted with leaders of other relevant professional organizations, notably the TPA. Additionally, the Legislative Committee and Executive Council developed contingency plans for the possibility that another entity might propose behavior analyst licensure legislation. They also surveyed TxABA members regarding their opinions and positions about behavior analyst licensure. TxABA leaders were concerned that persons who were not behavior analysts would develop and file a behavior analyst licensure bill with limited to no input from behavior analysts and, thus, might exclude or not adequately reflect the profession's standards and best practices for behavior analyst licensure. Additionally, there was concern that such a bill might be influenced by members of other professions and, if adopted, place behavior analyst licensure essentially under the control of another profession, one whose leaders had very limited knowledge regarding or positive regard for the practice of behavior analysis.

In January 2011, just before the opening of the legislative session, a staff member for an influential state senator who was contemplating filing a bill to license behavior analysts in Texas contacted the TxABA president. At the behest of constituents whose children diagnosed with autism benefited from ABA services, the senator had requested that the staff member draft a bill to license behavior analysts in Texas. The drafting of the bill had occurred without input from or the knowledge of TxABA leaders or other TxABA members. The staff member provided a copy of the draft bill to TxABA leadership. The bill drew from but did not clearly align with the BACB's model licensure act. After reviewing the bill in light of the report of the TxABA Licensure Task Force, the TxABA Executive Council found it unacceptable and premature. The Executive Council communicated its position in writing to the senator's staff member. That message concluded, "Even if we thought an appropriate bill was ready for submission to the legislature, right now strikes us as an especially tough time to push for adding a new state board, agency, or operation given the current budget deficit in Texas and the Governor's comments regarding eliminating or temporarily ending operation of some state agencies. We are concerned that enactment of legislation establishing a behavior analysis licensing authority at present would increase the likelihood of it being placed under the aegis and authority of some other licensing entity as a cost-saving move. Having a behavior analysis licensing authority that is not independent of other professions would run the risk of minimizing the likelihood of realizing the intended benefits of licensing behavior analysts."

TxABA Drafts a Bill

Realizing that the senator or someone else might be compelled to submit the bill or a similar one to the legislature for consideration, the TxABA Public Policy Committee (formerly the Legislative Committee) drafted and distributed an alternative bill to the Executive Council. It incorporated much of the BACB model licensure act and included a proposal to establish an independent board to license behavior analysts in Texas. Because there was no further indication that another individual or entity was going to file a behavior analyst licensure bill in the 2011 legislative session, the TxABA draft bill was never distributed to any legislators or to TxABA members at large.

Challenges with TPA

A major concern for behavior analysts across the country during the period from 2010 to 2013 pertained to state psychological associations advocating for behavior analysts to be regulated by state psychology licensing boards. The issue was raised by the American Psychological Association Practice Organization and was discussed in West Virginia and some other states, including Texas. TxABA leaders engaged in email correspondence with TPA leaders to gain clarity regarding TPA's position on the matter, to explain the basis for behavior analysts' interest in licensure independent of the TSBEP, and to address TPA's misunderstandings and misgivings about behavior analyst licensure. In June 2012, at the request of the TPA, two representatives of TxABA Executive Council met with the TPA president to discuss topics of mutual interest to the two organizations, including licensure of behavior analysts. The meeting was cordial. After hearing the information regarding TxABA's position, the TPA president indicated that he did not think conflict between the organizations was likely to arise unless TxABA were to introduce a licensing bill that attempted to restrict the practice of psychologists or master's-level behavior analysts were to seek to call themselves psychologists. TxABA expressed no such intentions. Subsequently, a fundraising flyer that TPA sent to its members occasioned great surprise and disappointment on the part of TxABA leaders. The flyer fervently urged TPA members to re-join the organization and to make financial donations to enable it to neutralize what were described as threats to the practice of psychology in Texas, including the assertion that "… Texas psychologists are an 'endangered species,' and the practice in Texas is at risk for being overtaken by sub-doctoral level professions." The flyer made clear that the two sources of the threats were psychological associates (persons with master's degrees required to practice under supervision of licensed, doctoral-level psychologists) and behavior analysts (persons certified by the BACB). A signatory of the flyer was the TPA president with whom TxABA representatives had met 3 months earlier.

Concurrently, the TxABA Executive Council benefited from interacting with other leaders in behavior analysis, including Tom Evans, Michael Dorsey, Gina Green (Executive Director, Association of Professional Behavior Analysts, APBA), and Gerald Shook (Executive Director, BACB). During the 2012 ABAI convention, TxABA hosted an informal meeting with leaders of ABAI affiliated chapters in about 10 states where behavior analyst licensure had been established or was being considered. TxABA leaders sought input from those individuals regarding successful and unsuccessful licensure activities. The recommendations from those sources were consistent with those developed by the TxABA Behavior Analyst Licensure Task Force. One point emphasized strongly in those consultations was that behavior analyst licensure should be established independent of the licensure boards for other professions, with specific mention of psychology and of medicine. The survey of TxABA members that was mentioned previously indicated staunch support for pursuing behavior analyst licensure in Texas at the time TxABA leadership determined was appropriate.

Consultation with a Professional Lobbyist

In 2012, TxABA established contact with and received informal consultation on licensure issues from a very competent and well-established professional lobbyist and consultant in Austin, Courtney Hoffman. She voiced the opinion that if TxABA supported introducing a behavior analyst licensure bill in the upcoming legislative session, it probably would not progress to voting and passage by both legislative chambers. That opinion reflected the position of several very influential state leaders regarding expanding government activities, increasing state finances, and disbanding regulatory bodies. TxABA leaders determined that hiring a lobbyist was important for establishing behavior analyst licensure in Texas.

Drafting Another Bill

As the 2013 legislative session approached, the TxABA Executive Council and the Public Policy Committee again considered the possibility of a behavior analyst licensure bill being filed by a party that was neither well-informed regarding behavior analysis nor willing to provide for adequate oversight and protection of behavior analysts. The consensus among TxABA leaders was that TxABA should pursue adoption of a behavior analyst licensure law, in particular to avoid oversight by psychologists. The leadership acknowledged that the obstacles to behavior analyst licensure legislation identified during the 2011 legislative session remained relevant (e.g., state budgetary concerns, strong opposition to the establishment of a new state agency). As a result, the TxABA Public Policy Committee drafted another behavior analyst licensure bill that incorporated much of the then-current BACB model licensure act. The bill was distributed only to the TxABA Executive Council and a few other people for feedback. It was to be held in abeyance for presentation to a legislator who might sponsor and introduce the bill should TxABA learn that someone else was planning to introduce a behavior analyst licensure bill. As far as TxABA leaders knew, no other party proposed a behavior analyst licensure bill that session. However, TxABA wanted to protect its constituency by ensuring that at least one acceptable licensure bill would be presented for legislative consideration. The TxABA draft bill was not released publicly and was not filed in the legislature because the occasion did not arise at the time.

TxABA Public Policy Group Leading Licensure Efforts

TxABA Public Policy Group

In November 2015, TxABA established the Behavior Analysis Public Policy Group (BAPPG-TX) to review and act on legislative activity and other issues impacting behavior analysts and consumers in Texas. BAPPG-TX replaced the TxABA Public Policy Committee. This group's initial priority was to establish licensure of behavior analysts. TxABA is a 501(c)(3) organization that is limited in its ability to fundraise and lobby. BAPPG-TX was incorporated as a separate 501(c)(6) nonprofit organization so that it could engage in fundraising and lobbying activities. BAPPG-TX first convened in December 2015. The name of the Behavior Analyst Public Policy Group was changed to TxABA Public Policy Group (TxABA PPG) on December 2016, and TxABA PPG was approved as a 501(c)(6) in July 2017.

House Bill 2703/ Senate Bill 1871

In late 2014, the TxABA Executive Council hired Courtney Hoffman as the organization's lobbyist and shared the costs with the newly established BAPPG-TX. The TxABA Executive Council and the BAPPG-TX developed a licensure bill in January 2015, based largely on the BACB's model licensure act. The primary differences from previous licensure bills included the addition of exemptions from licensure for behavior analysts from other states who practice in Texas for no more than 20 days per year without being licensed in Texas and for employees of a school district to provide behavioral services under the auspices of school employment without being licensed. Those exemptions were added to allow some flexibility for consumers and practitioners from nearby states and to allow for a collaborative relationship with the Texas Education Administration, a potential source of opposition to behavior analyst licensure.

The BAPPG-TX and the lobbyist met with various senators and representatives before securing a champion of the licensure bill, Representative Ron Simmons. Rep. Simmons filed HB 2703 on March 9, 2015. It was read and referred to the House Committee on Public Health on March 16, 2015. On April 21, 2015, the bill was considered in a public hearing. Six BCBAs associated with BAPPG-TX and one parent testified in favor of the bill. Two representatives of the TSBEP testified against the bill; one presented in favor of licensure for behavior analysts but wanted the licensure to fall under the psychology board. Overall, there were 16 people registered in favor of the bill, two opposed, and one testifying "on" the bill (i.e., presenting information about the bill without indicating a preference to oppose or support it). On April 28, 2015, a committee-developed substitute for HB 2703 was considered and reported favorably out of committee as substituted. The substitute bill was changed such that the behavior analyst licensure program would be managed by the Texas Medical Board. That was considered acceptable by the TxABA leadership because a bill proposing to create a new licensing board would not pass. The Texas Medical Board was receptive to managing the behavior analyst

licensing program. Additionally, such an arrangement would prevent behavior analyst licensure from falling under the TSBEP. On May 4, 2015, the bill was sent to the calendars committee (a legislative scheduling group that makes bills eligible for consideration but does not guarantee consideration). The bill was read for the second time on the House floor on May 14, 2015, and for a third time on May 15, when it passed with a large majority. The House sent HB 2703 to the Lieutenant Governor (the presiding officer of the Senate) to present to the Senate. The BAPPG-TX and some parents made calls to the Lt. Governor's office to request that he present the bill to the Senate. The Senate received the bill on May 18, 2015, and referred it to the Health and Human Services Committee. The BAPPG-TX and other stakeholders made calls to the chair of that committee urging them to schedule a committee hearing on the bill. Unfortunately, the Senate took no further action on the bill during that legislative session. Subsequently, the BAPPG-TX obtained a champion, Sen. Eddie Lucio, for SB 1871 (a bill identical to HB 2703), which was filed on March 13, 2015, and referred to the Senate Health and Human Services Committee on March 25. However, no action was taken. The legislative session ended on May 31, 2015, without either bill passing.

2017 Legislative Session

During the 2016 legislative interim, the BAPPG-TX continued to meet with members of the House, Senate, Texas Health and Human Services Commission (HHSC), and other groups. Members of the BAPPG-TX also invited the House champion of the previous behavior analyst licensure bill, Rep. Ron Simmons, to speak at the TxABA annual conference. In preparation for the 2017 legislative session, the TxABA PPG, as the former BAPPG-TX's first official action under its new name, confirmed that Rep. Simmons and Sen. Eddie Lucio would champion the behavior analyst licensure bills again.

TxABA and the TxABA PPG hosted a TxABA Day at the Capitol in January 2017. The aims were to educate legislators about the importance of recognizing behavior analysts as a distinct profession in Texas and to create an opportunity for behavior analysts to meet with legislators and inform them about the licensure bill. TxABA was recognized on the floors of the House and Senate, and many behavior analysts and legislators met afterward to discuss legislative priorities for the session. Behavior analysts also visited legislators' offices to discuss the importance of behavior analyst licensure with legislators and their staff.

At the start of the 2017 session, Sen. Lucio filed SB 589 on January 24th and House champion Rep. Simmons filed the companion bill HB 26 on February 13th for establishment of behavior analyst licensure. The House and Senate bills were identical and were essentially the same as the

licensure bill that had been filed in 2015 (HB 2703). The TxABA lobbyist and the bill champions determined that it was important for political reasons for the Senate to lead the licensure efforts that session. A second senator from across the aisle joined as co-author of SB 589 on February 8, 2017, making it a bipartisan bill. The bill was subsequently referred to the Senate Business and Commerce Committee. Two more co-authors joined on March 14, 2017, and April 05, 2017, respectively. Many amendments were proposed, including language to have psychologists oversee behavior analysts and to limit the scope of practice of behavior analysts by excluding communication and language skills (reflecting input of the Texas Speech-Language-Hearing Association, TSHA) and daily living skills. The latter restriction was proposed by the Texas Occupational Therapy Association (TOTA) on the grounds that otherwise the scope of practice for behavior analysts would overlap with the scope of practice for occupational therapists. As an alternative, TOTA proposed an explicit exemption from behavior analyst licensure for occupational therapists. Informal discussions about TOTA's objections and proposal ensued among the TxABA PPG leaders, TOTA leaders, and legislators occurred regarding the objections expressed by the TOTA. TxABA PPG leaders emphasized that partial overlap of the scopes of practice of many professions is common and is not problematic so long as professionals only engage in activities that fall within their profession's defined scope of practice and their individual training and experience, and represent themselves appropriately (e.g., as Licensed Behavior Analysts rather than members of another profession). The discussions did not result in the occupational therapists dropping their objections. In subsequent interactions with legislators and their staff, behavior analysts and their supporters presented information about the value to the public of defining behavior analysts' scope of practice as delineated in the bill. Further, without the restrictions proposed by psychologists and occupational therapists, behavior analysts pointed out that the exemptions in that bill were adequate to protect the scopes of practice of other professionals.

Later in the session, TSHA representatives contacted Representative Simmons' office and stated that they opposed the bill because the scope of practice overlapped with the practice of speech and language pathologists. TSHA proposed removing language about addressing language difficulties from the bill and adding a requirement for any behavior analyst who encounters a client with language difficulties to refer them to a speech-language pathologist. At the request of Rep. Simmons, two representatives of the TxABA PPG and two representatives from TSHA met with him to discuss the issues. The TxABA PPG representatives emphasized that it is common for professions' scopes of practice to overlap in some ways. They also noted that behavior analysts often work with and collaborate with speech-language

pathologists in a very collegial manner, and that clients and their parents or guardians have the right to choose the services they receive, so mandating specific referrals would not be appropriate. Rep. Simmons elected not to incorporate the language proposed by TSHA and left the bill language as written.

On April 10, 2017, the *Houston Chronicle* published an article on the need for behavior analyst licensure. The article emphasized the need to regulate behavior analysis practitioners to protect consumers and highlighted the positive outcomes that can be achieved by individuals with autism who receive quality ABA services (Herrera, 2017). This article resulted from a reporter contacting TxABA PPG and setting up an opportunity for the reporter to tour an ABA service provider and interview the staff. The article used everyday language to describe the value of licensing behavior analysts, and its publication showed that the issue was important enough to be featured by one of the state's largest news organizations. It proved helpful for behavior analysts and their supporters to present the article in meetings with legislators and their staff.

SB 589 was scheduled for a hearing in the Senate Business and Commerce Committee on April 11, 2017. Five behavior analysts from TxABA PPG, two parents with their two children with autism, and a self-advocate testified in favor of the bill. One BCBA from the TxABA PPG testified in favor of the bill and one licensed psychologist testified against the bill. The psychologist opposed the bill for the sole reason that it did not require behavior analysts to be licensed under TSBEP. Seventeen additional people registered supporting the bill but did not testify. Two additional people from TPA registered against but did not testify. The bill was reported favorably out of committee on April 24, 2017.

Also on April 11, 2017, one BCBA representative from the TxABA PPG testified in the House Public Health Committee on HB 3266, a bill that again proposed to amend the state psychology licensure statute by adding behavior analysis to the scope of practice definition. The testimony was neutral regarding the content of the bill, except that the TxABA PPG requested adding an exemption from psychology licensure for behavior analysts. The bill was left pending in committee with no recommendation for legislative action made; however, the Senate companion bill, SB 2001, received a hearing in the Senate Health and Human Services on April 5, 2017. The PPG did not provide testimony on that bill.

On April 19, 2017, the Senate committee provided a substitute behavior analyst licensure bill, which was reported favorably out of committee on April 24, 2017. A substantial change from the original bill was a proposal to have the behavior analyst licensure program administered by the Texas Department of Licensure and Regulation (TDLR),

which manages the licensure of many healthcare professions. The TxABA PPG lobbyist was made aware of that language in the substitute bill, and the TxABA PPG was provided the opportunity to investigate how other professionals that were licensed under the TDLR viewed their experience. The reports were favorable, so TxABA PPG did not object to having behavior analyst licensure administered by the TDLR. The bill passed the full Senate on May 20, 2017. It was sent to the House and was placed on the House calendar on May 23, 2017, but it did not receive a vote on the House floor and did not move forward. The TxABA PPG was concerned that if the substitute bill passed and SB 589 did not, then behavior analysts would not be able to practice without being supervised by a licensed psychologist.

On May 1, 2017, SB 589 was read on the Senate floor and passed with 25 yea and 6 nay votes. From there it was sent to the House on May 2, 2017. The bill was referred to the Public Health Committee on May 3, 2017, and was reported favorably out of committee on May 15, 2017. The bill passed the House after a third reading on May 23, 2017, with 121 yea and 25 nay votes. House amendments were laid before the Senate on May 25, 2017, and passed that same day with a vote of 25 yea and 6 nay votes.

The licensure bill passed by the legislature was sent to the Governor's office. The TxABA PPG lobbyist informed TxABA PPG leaders that the Governor was considering vetoing various bills pertaining to governmental regulation or expansion and bills authored by Democratic legislators. Reportedly that included the behavior analyst licensure bill. The lobbyist advised that the best course of action would be to inform and educate the Governor on the importance of adopting SB 589. She advised that excessive phone calls or emails would not be helpful. The TxABA PPG leadership contacted its members and was able to identify someone known by and friendly with the Governor to reach out and educate him on the issues. In the end, the Texas Governor vetoed 50 bills that had been passed by the legislature on June 15, 2017. However, the Governor signed SB 589.

Figure 1 depicts key events that occurred before and during the 2017 session of the Texas legislature.

Overcoming Challenges to Licensure Efforts

Before and during the two legislative sessions in which behavior analyst licensure bills were submitted to the Texas legislature, several challenges to behavior analyst licensure were encountered. Some were noted in earlier sections of this paper but will be reiterated in the summary below. Challenges fell into two general categories: challenges internal to TxABA's licensure activities and challenges external to TxABA. These challenges and accompanying solutions are summarized in Table 1.
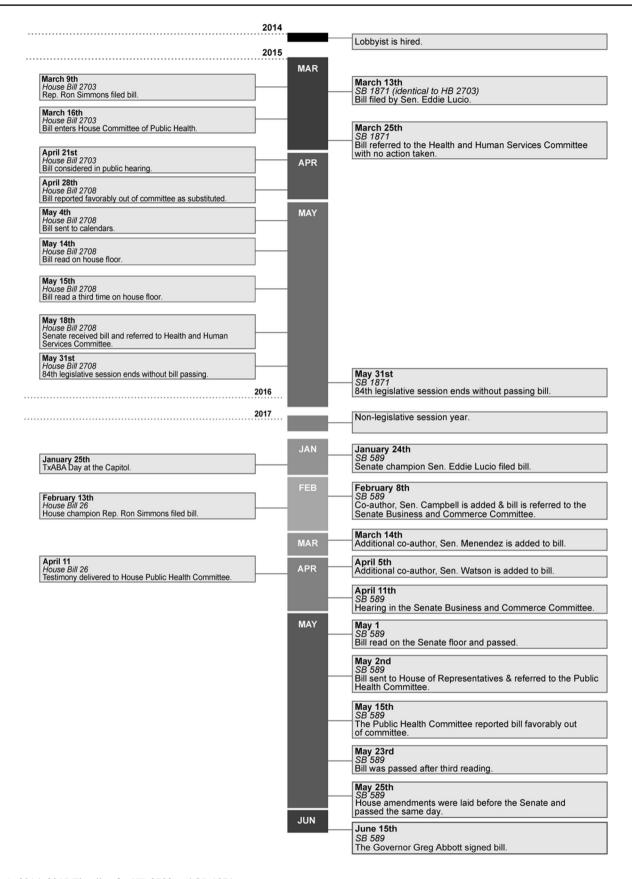
2014

Lobbyist is hired.

2015

MAR

March 9th
House Bill 2703
Rep. Ron Simmons filed bill.

March 13th
SB 1871 (identical to HB 2703)
Bill filed by Sen. Eddie Lucio.

March 16th
House Bill 2703
Bill enters House Committee of Public Health.

March 25th
SB 1871
Bill referred to the Health and Human Services Committee with no action taken.

APR

April 21st
House Bill 2703
Bill considered in public hearing.

April 28th
House Bill 2708
Bill reported favorably out of committee as substituted.

MAY

May 4th
House Bill 2708
Bill sent to calendars.

May 14th
House Bill 2708
Bill read on house floor.

May 15th
House Bill 2708
Bill read a third time on house floor.

May 18th
House Bill 2708
Senate received bill and referred to Health and Human Services Committee.

May 31st
House Bill 2708
84th legislative session ends without bill passing.

May 31st
SB 1871
84th legislative session ends without passing bill.

2016

2017

Non-legislative session year.

JAN

January 25th
TxABA Day at the Capitol.

January 24th
SB 589
Senate champion Sen. Eddie Lucio filed bill.

FEB

February 13th
House Bill 26
House champion Rep. Ron Simmons filed bill.

February 8th
SB 589
Co-author, Sen. Campbell is added & bill is referred to the Senate Business and Commerce Committee.

MAR

March 14th
Additional co-author, Sen. Menendez is added to bill.

APR

April 11
House Bill 26
Testimony delivered to House Public Health Committee.

April 5th
Additional co-author, Sen. Watson is added to bill.

April 11th
SB 589
Hearing in the Senate Business and Commerce Committee.

MAY

May 1
SB 589
Bill read on the Senate floor and passed.

May 2nd
SB 589
Bill sent to House of Representatives & referred to the Public Health Committee.

May 15th
SB 589
The Public Health Committee reported bill favorably out of committee.

May 23rd
SB 589
Bill was passed after third reading.

May 25th
SB 589
House amendments were laid before the Senate and passed the same day.

JUN

June 15th
SB 589
The Governor Greg Abbott signed bill.

Fig. 1 2014–2017 Timeline for HB 2703 and SB 1871

Internal Challenges

Challenges internal to TxABA were factors that influenced the organization's decisions on pursuing licensure and resources for doing so. One internal obstacle was a lack of knowledge about how to have a bill introduced in the legislature. That obstacle was addressed by hiring a lobbyist who had extensive training in advocacy and the legislative process. We also addressed this issue by having discussions with members of other organizations, both within (e.g., ABAI, APBA) and outside behavior analysis (e.g., TPA, TSHA, Disability Rights Texas, Families for Effective Autism Treatment-North Texas) who had relevant experience and knowledge.

External Challenges

External challenges were imposed by other professional organizations and legislators. Challenges from state professional organizations, including objections or proposed bill amendments, came from the TPA, TSHA, TOTA, and the Texas Council of Administrators of Special Education (TCASE). TPA argued against licensure for behavior analysts, stating that behavior analysis is a subset of psychology, licensed psychologists have adequate training to practice ABA (called behavior modification in some presentations by the association), and licensure for behavior analysts would infringe on the scope of practice of psychologists.

TSHA also argued against licensure for behavior analysts, similarly citing that doing so would infringe on the scope of practice of speech-language pathologists, particularly when it comes to teaching language and communication skills. TxABA leaders clarified the scope of practice of behavior analysts, noting partial overlap in the scope of practice of behavior analysts and speech and language pathologists. Further, TSHA contended that behavior analysts lacked adequate training in language and communication skills. They argued that behavior analysts would use health insurance billing codes to bill for ABA services but that those services constituted speech therapy. They viewed this as problematic because behavior analysts were not providing speech therapy, nor were they being overseen by speech-language pathologists. The services they referred to involved ABA interventions to build verbal behavior repertoires.

As noted earlier, TOTA argued that allowing licensed behavior analysts to address adaptive behaviors encroached on the occupational therapy scope of practice. They argued that occupational therapists "are experts at helping people perform the occupations they need and want to do every day. Occupations and activities are essential components of occupational therapy interventions" (American Occupational Therapy Association, n.d.). TxABA leaders noted

Table 1 Internal challenges and solutions to licensure of behavior analysts in Texas

	Obstacle	Solution(s)
1	Determining if and when TxABA members would support licensure	Conducted surveys to gauge TxABA member support, discussed with members at TxABA business meeting and informal settings
2	Determining when members of the public who were not members of TxABA (e.g., family members of persons receiving ABA services, advocacy groups) would support licensure	Established relationship with all stakeholders, met with possible supporters to discuss possible support
3	Determining content of a licensure bill	Looked at model licensure acts from the BACB and ABAI and behavior analyst licensure laws in other states, discussed with TxABA leaders and other members
4	Acquiring knowledge about introducing a bill in the legislature	Hired a paid lobbyist with extensive training, held discussions with representative of ABAI, APBA, and other organizations with relevant experience and knowledge
5	Determining whether to advocate for an independent behavior analyst licensure board or licensure under an established board for another profession (e.g., medicine, psychology)	Consulted with lobbyist, behavior analysts in other states with behavior analyst licensure, and persons associated with ABAI and APBA
6	Determining whether to hire a professional lobbyist (if one is hired, how to select and pay for one)	Consulted with TxABA Executive Council, behavior analysts in other states with behavior analyst licensure, and persons associated with ABAI and APBA
7	Determining the most effective organization structure to obtain licensure (e.g., the existing TxABA Executive Council alone, establishing a committee, establishing a separate non-profit organization connected to TxABA)	Consulted with TxABA members, lobbyist, behavior analysts in other states with behavior analyst licensure, and persons associated with ABAI and APBA
8	Determining how to organize supporters of licensure for behavior analyst	Consulted with lobbyist, behavior analysts in other states with behavior analyst licensure, and persons associated with ABAI and APBA; reviewed past experiences

the partial overlap in the scope of practice of behavior analysts and occupational therapists.

Lastly, multiple directors of special education and other public school administrators expressed concerns that licensing behavior analysts would have deleterious effects on school districts. One concern expressed was that behavior analysts employed by school districts would resign because it would be more profitable for them to work in private practice. Another speculation was that individuals providing behavioral support services in schools would not be able to continue doing that unless they were licensed as behavior analysts. Some educators contended that licensing all behavioral support staff would place an undue financial burden on school districts, and establishing licensure of behavior analysts would decrease the number of people willing to provide behavior intervention services for school districts. TxABA responded by pointing out that the licensure bill included an exemption for school district personnel who provided behavioral services in the context of their school employment.

Political ideologies in Texas influenced how legislators perceived the proposal to license behavior analysts. Although the Texas legislature is composed of individuals representing the full political spectrum of ideological beliefs from liberalism to conservatism, the political ideologies of most legislators at the time typically were described as conservative. Conservative Texas legislators commonly aimed to conserve money and to prevent perceived government interference in business (e.g., provision of human services). As such, the legislature at the time was prone to avoid regulating professions. Some legislators expressed concern that licensing behavior analysts would restrict the number of ABA service providers in the state, prevent some people from earning incomes, and limit consumer access to ABA services. Those concerns were countered by noting the importance of protecting vulnerable people from inadequately trained persons. TxABA provided examples of clients in Texas and other states who had been harmed by individuals making false claims to be qualified to provide ABA services. Licensing of behavior analysts was presented as a means of ensuring that everyone who purported to practice ABA in Texas met uniform education and training standards and had their practice overseen by an entity within their state. Some legislators also had concerns about expanding state government. That was addressed by showing that behavior analyst licensure could be achieved without adding a new state agency and could be revenue neutral. To accomplish this, TxABA proposed that the behavior analyst advisory board to the TDLR would be composed of volunteers, and fees for applying for and renewing licenses would cover any additional costs resulting from administration of the additional licensure program for the TDLR.

Implementation of the Licensure Law

With the passage of the licensure law, TxABA leaders focused on the implementation of the law. The following section discusses the committees, title and practice law, licensure requirements, and exceptions required for implementation of the new licensure law.

Texas Department of Licensing and Regulation and Texas Commission of Licensing and Regulation

Per the licensure law, behavior analyst licensure is managed by the TDLR, a state agency that licenses and regulates 39 different professions. The TDLR was tasked with adopting rules for implementing the behavior analyst licensure law and setting penalties for violators. Historically, penalties for violations of licensure laws were determined by the type and severity of the violation and often included fines of $500 to $5,000 and/or revocation of the license. The Texas Commission of Licensing and Regulation (TCLR) governs and establishes policy for the TDLR. Complaints about licenses and individuals potentially practicing without a license are submitted to and investigated by the TDLR for formal actions. Complaints can be filed online confidentially (Texas Department of Licensing & Regulation, n.d.).

The Behavior Analyst Advisory Board

The behavior analyst licensure law established the Behavior Analyst Advisory Board (BAAB) within the TDLR. The law states, "The advisory board shall provide advice and recommendations to the department on technical matters relevant to the administration of this chapter [of the law]" (Texas Occupations Code, Title 3, Chapter 506, Sec. 506.102). The presiding officer of the TCLR appoints the members of the BAAB, which is composed of nine members: four Licensed Behavior Analysts (at least one must be a Board Certified Behavior Analyst-Doctoral®, BCBA-D®) with at least 5 years of experience as behavior analysts; one Licensed Assistant Behavior Analyst; one physician with experience providing mental health or behavioral health services; and three public members (former recipients of ABA services or parents/guardians of current or former recipients). Board members serve 6-year terms and no more than two consecutive terms.

The BAAB provides valuable consultation to the TDLR. The BAAB meets at least twice per year and provides advice and recommendations to the TDLR on technical matters relevant to behavior analyst licensure in TX, per SB 589. The TDLR can decline to approve rules for implementing the licensure laws that are recommended by the BAAB but

cannot alter them. Changes in the licensure law can only be made by the legislature with final approval from the Governor. Other changes primarily regarding the standard of care and ethical practicum must be approved by the BAAB and then sent to the TDLR. This ensures that behavior analysts have input into the regulations. For instance, the BAAB advises TDLR staff regarding possible changes in policy, including what organizations are considered acceptable certifying entities.

Table 2 lists the members of the first TDLR-appointed BAAB.

Title and Practice Law

The licensure law is both a title and practice act; that is, a license is required to use the titles Licensed Behavior Analyst and Licensed Assistant Behavior Analyst and to practice ABA in Texas (unless an individual is covered by one of the exemptions from licensure, discussed below). Those provisions protect the public by prohibiting individuals who have not met the educational, experiential training, and examination standards set by the profession from representing themselves as professional behavior analyst or providing ABA services. The law also includes enforceable sanctions for persons who are found to be violating the licensure law or rules.

Licensure Requirements

To become licensed as a behavior analyst or assistant behavior analyst, an individual must (a) be certified at the appropriate level by a behavior analyst certifying entity recommended by the BAAB and approved by the TDLR (at present only the BACB has been approved as a certifying entity); (b) be in compliance with the professional, ethical, and disciplinary standards of the certifying entity; (c) pass a criminal background check; and (d) complete additional training mandated by the state (e.g., on human trafficking).

Table 2 First ABA Advisory Board in Texas

Position	Name	City
Presiding Officer, BCBA-D®	Dr. William Gordon Bourland	Arlington
BCBA®	Ellen Catoe	Houston
BCaBA®	Serica Cuellar	San Antonio
BCBA®	Dr. Wesley Dotson	Lubbock
Physician	Dr. Joyce Mauk	Ft. Worth
Public Member	Bryan Russell	Austin
Public member	Carol Sloan	The Woodlands
Public member	Laurie Snyder	Ft. Worth
BCBA-D®	Dr. Stephanie Sokolosky	Harlingen

The TDLR accepts current BACB certification as proof that an applicant has met the educational and experiential training requirements set by the profession and has passed the national professional examination in behavior analysis. No other examination is required for licensure. Licenses must be renewed every two years.

Exemptions

The licensure law includes some categories of people who may engage in some ABA activities under specified conditions without being licensed as behavior analysts. The exemptions cover (a) other Texas licensed professionals who have behavior analysis in their profession's legislated scope of practice and their individual scope of training and competence; (b) individuals receiving supervised experiential training in behavior analysis in accordance with the certifying entity's requirements and the licensure rules; (c) family members and guardians of recipients of ABA services; (d) persons who are licensed as behavior analysts in another state or certified by the certifying entity and provide ABA services in Texas for no more than 20 days per calendar year; (e) teachers and other school employees providing ABA services within their scope of employment (but they are not exempt from licensure if they provide ABA services outside their duties as school employees); (f) paraprofessionals (including behavior technicians or persons holding similar positions) who are supervised by Licensed Behavior Analysts or Licensed Assistant Behavior Analysts; (g) college or university students, interns, and fellows if the ABA activities are part of their education and are supervised by a Licensed Behavior Analyst or an instructor in a course sequence approved by the certifying entity (or, later, by ABAI); and (h) behavior analysts who teach or conduct research in behavior analysis but are not involved in the delivery or supervision of ABA services, work exclusively with non-human animals, or provide behavior analysis services to organizations for the benefit of the organizations with no direct ABA services to individuals (i.e., provide organizational behavior management services).

Lessons Learned

Many lessons were learned on the road to licensure of behavior analysts in Texas. One of the most significant lessons was the importance of listening to others and addressing their concerns. For instance, as noted earlier, when other professional groups expressed concerns that the licensure bill, if adopted, would infringe on their profession's scope of practice, an exemption for other licensed professionals practicing within their profession's legislated scope and the boundaries of their training and competence was written into

the Texas licensure bill. The aforementioned exemption for school employees was included for similar reasons. When some legislators expressed concern that licensing behavior analysts would expand state government, the TxABA PPG educated them on how licensure would help consumers without expanding government because an existing entity, the TDLR, would administer the licensure program; no new state agency would be required. In addition, the cost of administering the licensure program would be covered by the fees paid by individuals to apply for and renew licenses, not by the state.

The administrative costs were kept reasonable by making certification by a certifying entity (the BACB), the principal qualification for licensure, which meant that every applicant for licensure would be vetted by the BACB as having met education and training requirements and would have already passed the national examination in behavior analysis. This reduces workload and responsibility for the TDLR. Additionally, TxABA representatives explained that the TDLR already had a seamless process in place to oversee the licensure of diverse professions in Texas.

Another important lesson revolved around working collaboratively with and presenting information to other stakeholders. Throughout this journey, ABA practitioners, other professionals, and parent organizations were invited to collaborate on the behavior analyst licensure initiative. They were asked to convey the importance of licensing behavior analysts to their state legislators by calling the legislators' offices, giving testimony in legislative hearings, meeting personally with legislators and/or their staff, and writing emails and letters to legislators. The TxABA PPG created templates for interested parties to use in creating messages to legislators with suggestions to personalize the message with their own story or perspective. See Appendix A for a sample support letter template for professionals and Appendix B for a sample support letter template for a parent or other caregiver.

An important lesson regarding effective advocacy at the Texas capitol was the use of brief and visually appealing handouts (referred to as "leave behinds"). TxABA created a one-page document with information about the importance of licensure for advocates to use when visiting legislators. If legislators were not available, the document was left with the legislator's staff. See Appendix C for a copy.

Another important lesson was the importance of sharing stories from recipients of ABA services. It was critical to emphasize to legislators that licensure ultimately protects consumers. Through written and verbal testimony, self-advocates and caregivers shared stories illustrating the importance of ensuring that individuals who provide ABA services have met training and other standards and are held accountable. Some shared stories included those about harm caused by individuals who were not credentialed in the practice of

ABA and not held accountable by oversight entities. The importance of such testimony cannot be overstated. Behavior analysts are skilled in describing their profession and the impact ABA services can have on consumers, but reports from individuals who have received services are often more persuasive to legislators and others who are unfamiliar with ABA.

Conclusion

The number of behavior analysts in Texas has steadily increased since the licensure law was adopted. According to the BACB (2024b), in May 2017, there were 1092 BCBAs, 81 BCBA-Ds, and 91 Board Certified Assistant Behavior Analysts® (BCaBAs®) in the state of Texas. As of July 2024, these numbers had increased to 4040 BCBAs, 137 BCBA-Ds, and 194 BCaBAs (BACB, 2024b). According to the TDLR, as of July 23, 2024, there were 5740 Licensed Behavior Analysts and 185 Licensed Assistant Behavior Analysts in Texas (TDLR, 2024).

Licensure is quick and easy for behavior analysts thanks to efficient procedures established by the TDLR. There are also procedures in place for filing complaints and enforcing the licensure statute and rules to protect consumers of behavior analytic services. Licensure of behavior analysts in Texas paved the way for Texas to become the 43rd state to mandate coverage of ABA services for children with autism under Medicaid. State Medicaid administrators had previously declined to authorize the provision of services by unlicensed persons. HHSC Exceptional Item #45 in the 2019 Legislative Appropriations Request (LAR) proposed Medicaid funding for "Intensive Behavioral Intervention" for children with autism under the age of 20. That budget went into effect on September 1, 2019, and Medicaid funding of ABA services began on February 1, 2022. Through collaborative efforts among TxABA PPG leadership and members, other behavior analysts in Texas, community partners, parents, other caregivers, self-advocates, and policymakers, licensure of behavior analysts now affords valuable protections for consumers of ABA services and ABA practitioners in Texas. The road to licensure in Texas was neither short nor one-way. Rather, the road to licensure was long and steep, with numerous obstacles along the way. Persistence and perseverance were required to get to the end of the road. The active participation of many constituencies helped break down the obstacles and pave the way forward. It is our hope that this description of Texas' path will be helpful to others when paving the way for similar or related issues so that practitioners of behavior analysis have the right and ability to practice and consumers have access to high-quality, evidence-based behavior analytic services.

Declarations

References

American Occupational Therapy Association. (n.d.). *Domain and procedure: Occupations and everyday activities.* https://www.aota.org/practice/domain-and-process/occupations-everyday-activities#:~:text=Occupational%20therapy%20practitioners%20are%20experts,components%20of%20occupational%20therapy%20interventions

Autism Speaks (2019). *Texas state-regulated insurance coverage.* https://www.autismspeaks.org/texas-state-regulated-insurance-coverage

Behavior Analyst Certification Board (2024a). *US licensure of behavior analysts.* https://www.bacb.com/u-s-licensure-of-behavior-analysts/

Behavior Analyst Certification Board (2024b). *Region-specific certificant data.* https://www.bacb.com/services/o.php?page=101134

Herrera, S. (2017). *Texas senators to hear bill to require licensing for specialists who treat autism.* Houston Chronicle. https://www.houstonchronicle.com/news/article/Texas-senators-to-hear-bill-to-require-licensing-11064227.php

Johnston, J., Carr, J., & Mellichamp, F. (2017). A history of the professional credentialing of applied behavior analysts. *The Behavior Analyst, 40*(2), 523–538. https://doi.org/10.1007/s40614-017-0106-9

Maurice, C. (1993). *Let me hear your voice: A family's triumph over autism.* Ballantine Books.

Texas Department of Licensing and Regulation. (2024). Download license files. Retrieved July 23, 2024, from https://www.tdlr.texas.gov/LicenseSearch/licfile.asp

Texas Department of Licensing and Regulation. (n.d.). *Behavior analysts: Laws and rules.* https://www.tdlr.texas.gov/bhv/laws-rules.htm

Trivedi, M. (n.d.). *Indiana's health insurance mandate for autism spectrum disorders (ASDs) and pervasive developmental disorders (PDDs).* Indiana Resource Center for Autism. https://www.iidc.indiana.edu/irca/articles/indianas-health-insurance-mandate-for-autism-spectrum-disorders-and-pervasive-developmental-disorders-pdds.html