

# Town Hall Meeting on Professional Regulation October 22nd 2016

# Welcome

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

# Town Hall Purpose & Format



1. Provide information on the activities of ONTABA's Professional Regulation Committee.
2. Engage membership in discussion about regulation
3. Solicit membership feedback on current actions and proposed next steps

# Town Hall Purpose & Format



- committee members and invited speakers will present a section and then open the floor to questions and discussions. Questions and comments submitted remotely will be read aloud at this time.
- In order to ensure that all members have an equal opportunity to ask questions, we ask that members limit comments/discussion to approximately 3 minutes.

# Advocating for Behaviour Analysis in Ontario's Changing Service Landscape



- Proposed changes to autism services in Ontario brought a flurry of activity at the end of March 2016.
- ONTABA's Formal Response to Ontario Autism Program.
- Many meetings and extensive communication with MCYS and the Premier's Office.

# Advocating for Behaviour Analysis in Ontario's Changing Service Landscape



- Close collaboration with parents and consumer advocates.
- Formation of the OAP Task Force and the ONTABA Scientific Evidence Task Force for Treatment of Autism Spectrum Disorders (OSETT-ASD).
- Lobbying for representation on relevant committees and panels.
- With the Ombudsman's report on services for adults with developmental disabilities in crisis as the catalyst, ONTABA formed the Adult Services Task Force and expanded lobbying and advocacy efforts across several sectors.

# Outcomes So Far...



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

# Outcomes So Far...

- Obtained commitment for regulation from MCYS, upon request shared a copy of the draft Private Act and related information. Asked to consult on next steps toward regulation.
- Meetings with Ministry of Health and Long-Term Care & Ministry of Community and Social Services.
- Meeting with Ontario's Ombudsman (pending).
- Significant organizational growth.



# The Big Picture



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

# Highlights of the Draft Private Act

(Title Protection)

# What is the Private Act?

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

## Definition of Terms

- ONTABA = “Association”
- ONTABA Board of Directors = “Board”

# Why Title Protection?

- In the absence of full regulation, one of the objectives of ONTABA should be to promote and protect the public interest by regulating the practice of its eligible registrants in the field of behaviour analysis.
- Title protection is a necessary and achievable first step towards full regulation.

# Title Protection - A Step Towards Public Protection

- to establish and encourage the acceptance and maintenance of uniform province-wide standards of knowledge, experience and ethics for all registrants engaged in the field of behaviour analysis;
- to establish, maintain and develop standards of practice;
- to establish, maintain and develop standards of knowledge, skill and proficiency;
- to establish, maintain, and develop standards of qualification for its registrants;
- to regulate the practice, competence and professional conduct of its registrants;

# Who Would Qualify ?

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

# Restrictions on the Use of the Titles

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

# How Will it be Managed?

## **Registrar**

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

## **Register**

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



# Timeline and Tentative Process Moving Forward



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

# TITLES AND ASSOCIATED CRITERIA

Registered Ontario Behaviour Analyst (R.O.B.A.)

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

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

## Registered Ontario Behaviour Analyst

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

## Registered Ontario Assistant Behaviour Analyst

- BCaBA and a member in good standing with ONTABA

# Registered Ontario Behaviour Analysis Implementer



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

- No third level
- RBT currently in good standing
- Graduate of a degree/diploma/graduate certificate program in behaviour analysis
- Graduate of a degree/diploma/graduate certificate program in behaviour analysis **OR** RBT
- Graduate of a degree/diploma/graduate certificate program in behaviour analysis **AND** RBT



## Alternative 1: No third level

Pros	Cons
<ul style="list-style-type: none"><li>● Significantly reduces management requirements of titles</li></ul>	<ul style="list-style-type: none"><li>● Limits consumer protection as entire population of implementers will not be required to meet criteria for title protection</li><li>● Consumers left on own to select implementers</li><li>● Limits number of title holders at a time when growth in numbers is important</li></ul>

	Requirements
RBT Level	minimum 18 years of age demonstrated completion of high school or equivalent/higher obtained 40 hours of acceptable training (using the RBT curriculum) successfully completed the RBT competency assessment completed a criminal background check
3 year advanced college diploma programs	Example: completion of an OSSD diploma with specific course prerequisites in science, math, and English 500+ hours of ABA course work 1000+ placement hours
Post Graduate diploma programs	Example: 269 hours of ABA course work 350 placement hours

## Alternative 2: RBT currently in good standing

Pros	Cons
<ul style="list-style-type: none"><li>● Management of the titles holders will require very few resources (as already registered with BACB)</li></ul>	<ul style="list-style-type: none"><li>● Does not capture the unique training and experience of Ontario implementers (which is in excess of RBT requirements)</li><li>● May reduce consumer protection as this leaves a large body of implementers unable to access title; therefore, less oversight as consumers likely to hire “non-registered” implementers when demand exceeds supply</li><li>● Currently only 85 RBTs in province</li><li>● May face challenges in incorporating into government policy due to impact on labour market</li></ul>



## Alternative 3: Degree/diploma/graduate certificate program in behaviour analysis

Pros	Cons
<ul style="list-style-type: none"><li>● Captures the unique training and experience in Ontario (which is in excess of RBT requirements)</li><li>● Helps defray the cost of regulation as more implementers are able to access title</li></ul>	<ul style="list-style-type: none"><li>● May be more costly to manage than some other alternatives</li><li>● No ongoing demonstration of competency</li><li>● Restricts growing the field as RBTs who do not hold this level of education and supervised practice would be unable to access a title</li></ul>

# Alternative 4: Degree/diploma/graduate certificate program in behaviour analysis **AND** RBT currently in good standing

Pros	Cons
<ul style="list-style-type: none"> <li>• Capacity building as requires higher standard of education, proficiency, and experience than simply RBT</li> <li>• Potentially helps defray the cost of regulation</li> <li>• Management of title holders will require fewer resources as all title holders will be registered as RBTs with BACB</li> </ul>	<ul style="list-style-type: none"> <li>• Those in process of completing graduate degrees to become a BCBA or BCaBA will not apply for the title</li> <li>• May impact efforts to build capacity if graduates from post secondary programs in the province with more training and experience than the RBT level do not seek out the RBT certification (given lesser requirements)</li> <li>• RBTs are required to practice under supervision of a BCBA/BCaBA to maintain certification; this option may not be viable to some (for geographic / financial reasons)</li> </ul>

## Alternative 5: Degree/diploma/graduate certificate program in behaviour analysis OR RBT

Pros	Cons
<ul style="list-style-type: none"><li>• Builds capacity by increasing the number of title holders</li><li>• Helps defray the cost of regulation</li><li>• Increases consumer options by increasing the number of individuals registered for title protection</li></ul>	<ul style="list-style-type: none"><li>• Same title for RBT and degree/diploma/grad certificate may mask variations in education and training (less transparent for consumers)</li><li>• Initial determination of criteria for title would require additional resources</li><li>• Management of title holders requires additional resources</li></ul>

Potential Alternatives for Implementer Level	1. No Implementer Regulation	2. RBT only	3. Deg/Dip/Cert ONLY	4. Deg/Dip/Cert AND RBT	5. Deg/Dip/Cert OR RBT
Consumer Protection: transparent representation of education and training of title holders (i.e., consumers can clearly distinguish between RBT, diploma/degree, etc)		✓	✓	✓	
Consumer Protection: enhances number of implementer-level professionals who meet specified criteria for title protection clearly listed in registry			✓	?	✓
Consumer Protection: increases the required level of education and practice to function as a implementer with a registered title			✓	✓	
Consumer Protection: allows for ongoing supervision, continuing education and recertification requirements.		✓	?	✓	?
Capacity: increases the ability to monitor/discipline implementer-level professionals		✓	?	✓	?
Capacity: increases the number of individuals who meet criteria for the title (growth of numbers toward regulation)		?	✓		✓
Logistics: Provides for relative ease of implementation.	✓	✓			

**QUESTIONS?  
DISCUSSION**

# Regulation of the Practice of Behavior Analysis

Gina Green, PhD, BCBA-D



[www.apbahome.net](http://www.apbahome.net)

# Topics

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

# About APBA

- ❑ Nonprofit organization focused on practice of ABA, especially advocating for public policies
- ❑ Memberships for professionals in behavior analysis and other fields, consumers, students, RBTs
- ❑ Affiliates -- behavior analysis organizations, other scholarly/scientific organizations
- ❑ Sponsors -- agencies and companies that sell services or products
- ❑ **7th annual convention: March 23 – 25, New Orleans**
- ❑ See [www.apbahome.net](http://www.apbahome.net) for details





# Pressures to regulate practice of ABA

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



# Professional regulation

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

# Forms of regulation

## ☐ Certification

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

## ☐ Licensure

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

# Certification and licensure: Similarities

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

# Certification and licensure: Other comparisons

- Some national/international certifying bodies have some legal authority to enforce certain standards *with their certificants*
- Government regulatory bodies (e.g., licensing boards) are mandated to regulate practice, including investigating complaints about licensed *and unlicensed* individuals and sanctioning violators

# Certification and licensure: Other comparisons

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

# Licensure may...

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

# Licensure typically does not...

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



# Licensure: Risks and limitations

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

# Licensure: Risks and limitations

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

# APBA's position on regulation

- ❑ Behavior analysts in each jurisdiction should evaluate carefully if governmental regulation is necessary or desirable and feasible and if so, which form of regulation is best.
- ❑ Statutes and rules/regs for implementing them should be based on BACB's model act/APBA's update
  - ❑ **Main qualification for government-issued credential(s): BACB certification**
  - ❑ **Independent behavior analyst regulatory board**
    - ❑ *Ensures that practice of ABA is regulated by behavior analysts*

# Benefits of basing licensure on BACB credentials and standards

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

# Recommendations

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

*Association of*



*Professional  
Behavior Analysts*

# Governmental Regulation of Behaviour Analysts

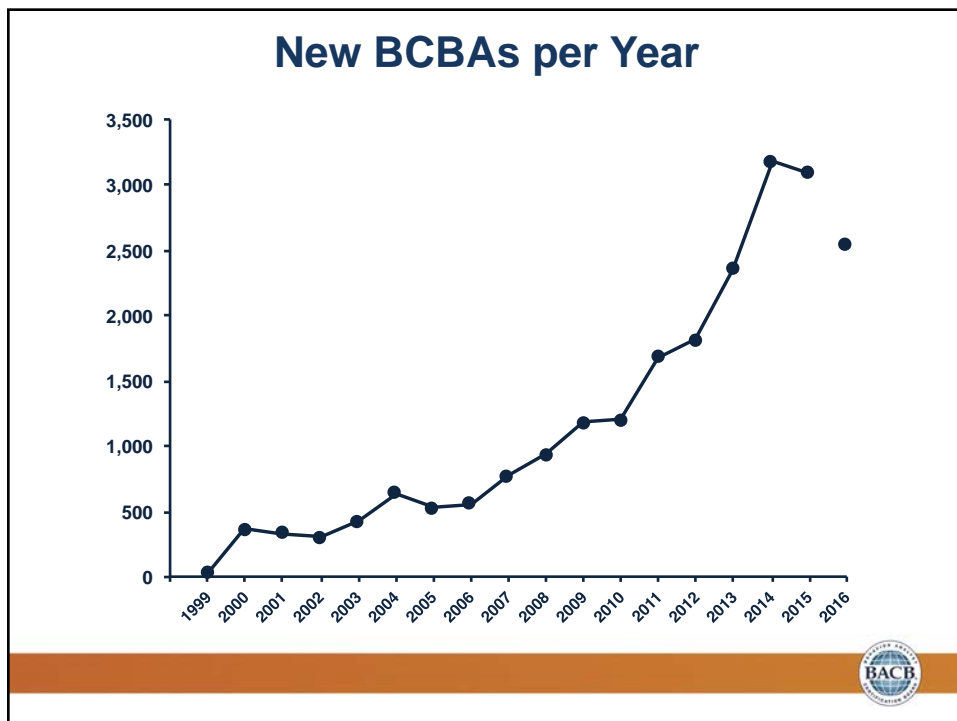
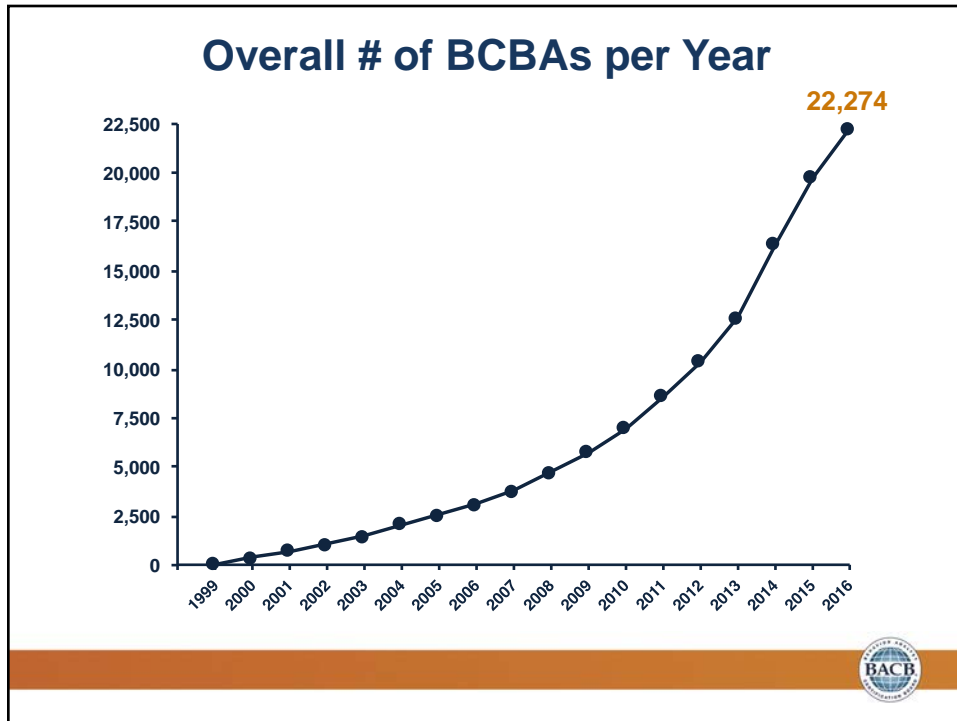
James E. Carr, PhD, BCBA-D  
*Chief Executive Officer*



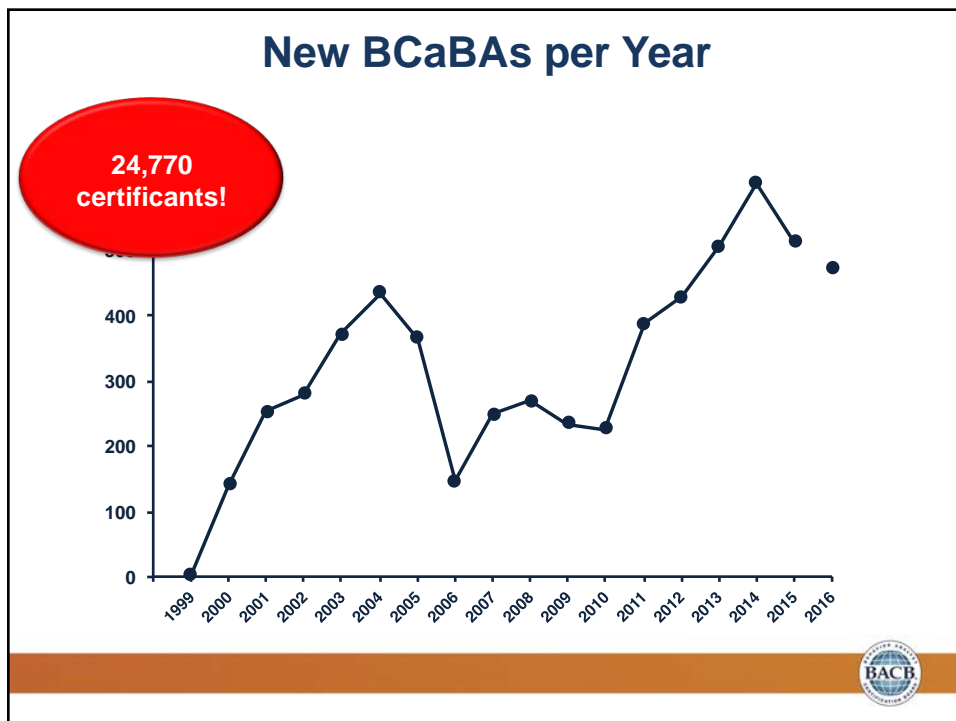
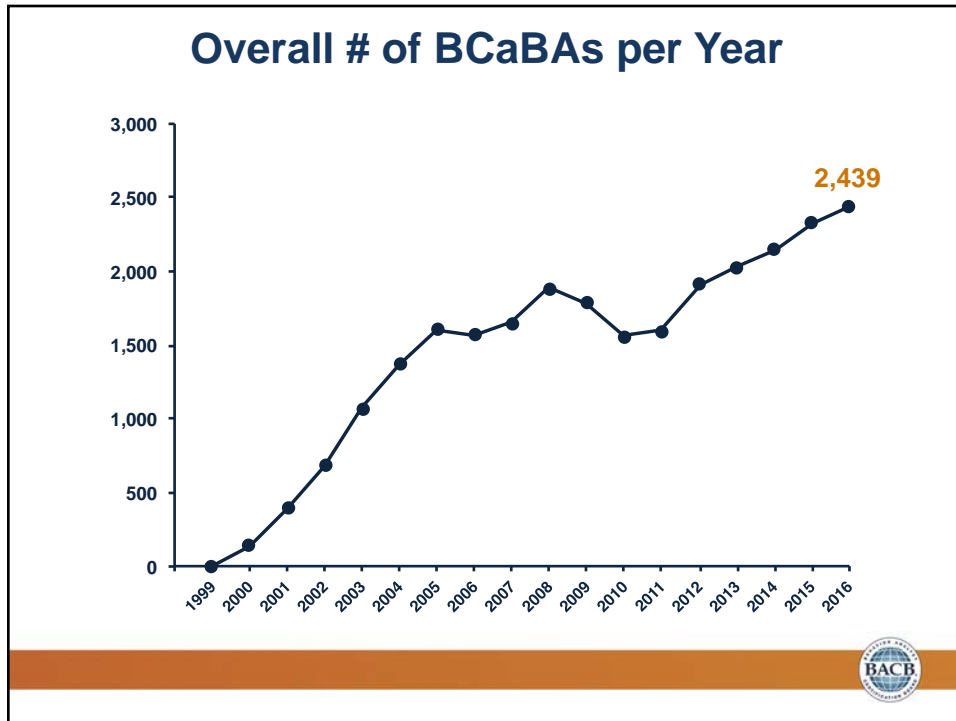
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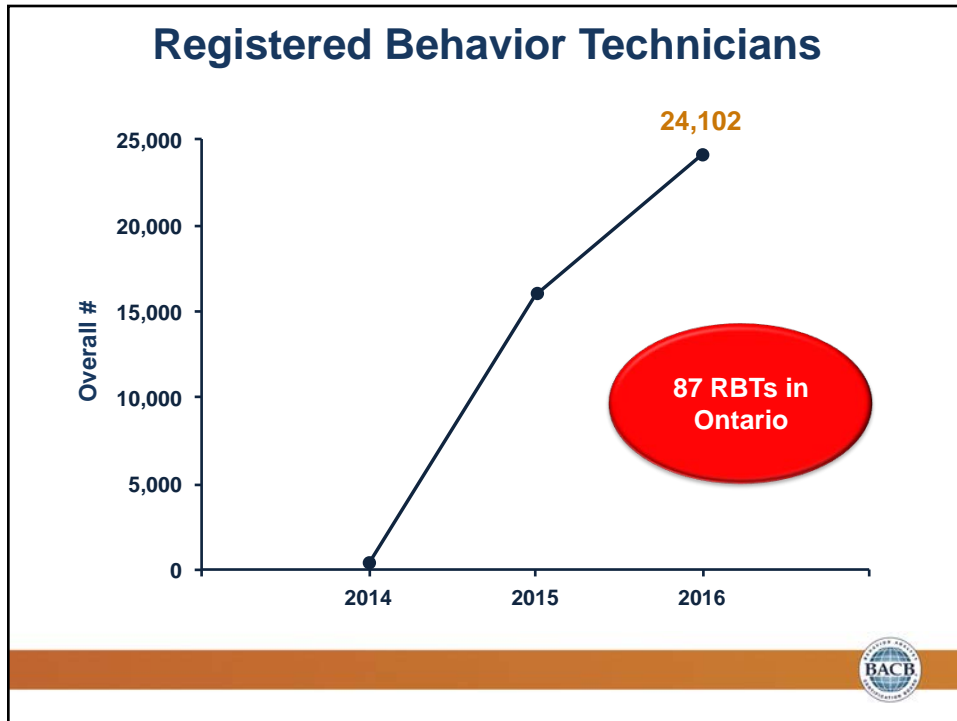
## Growth of the Profession









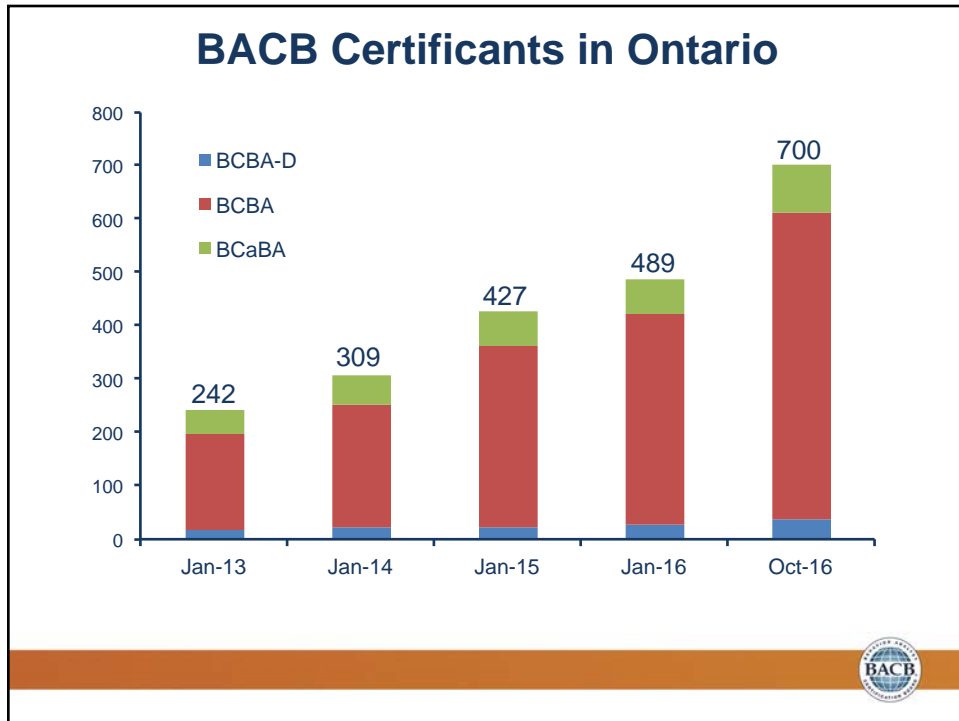





### Data :: Ontario

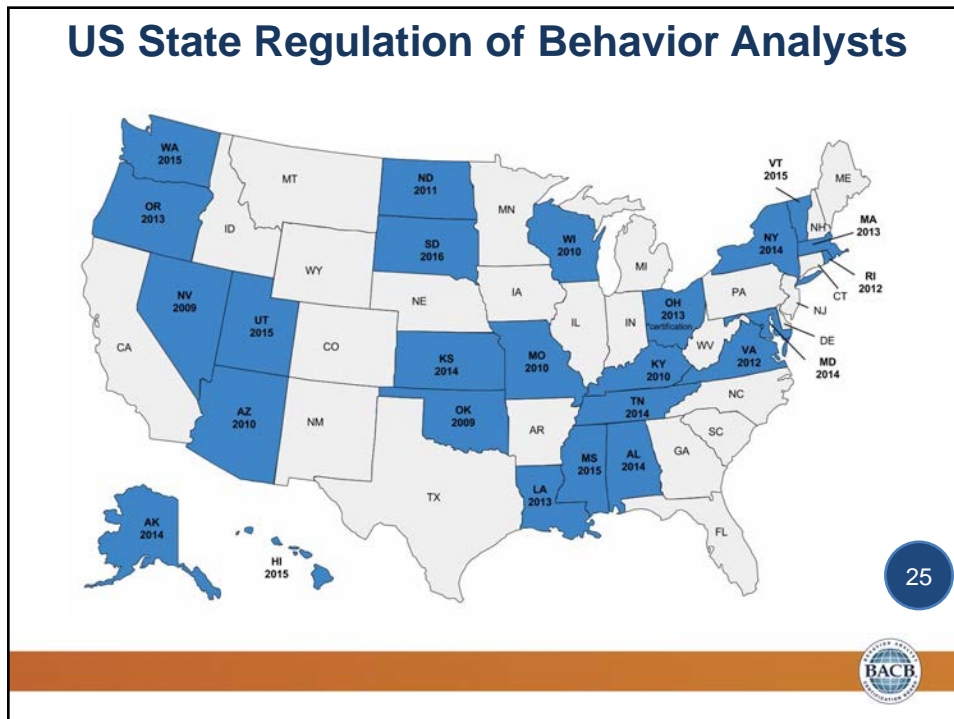
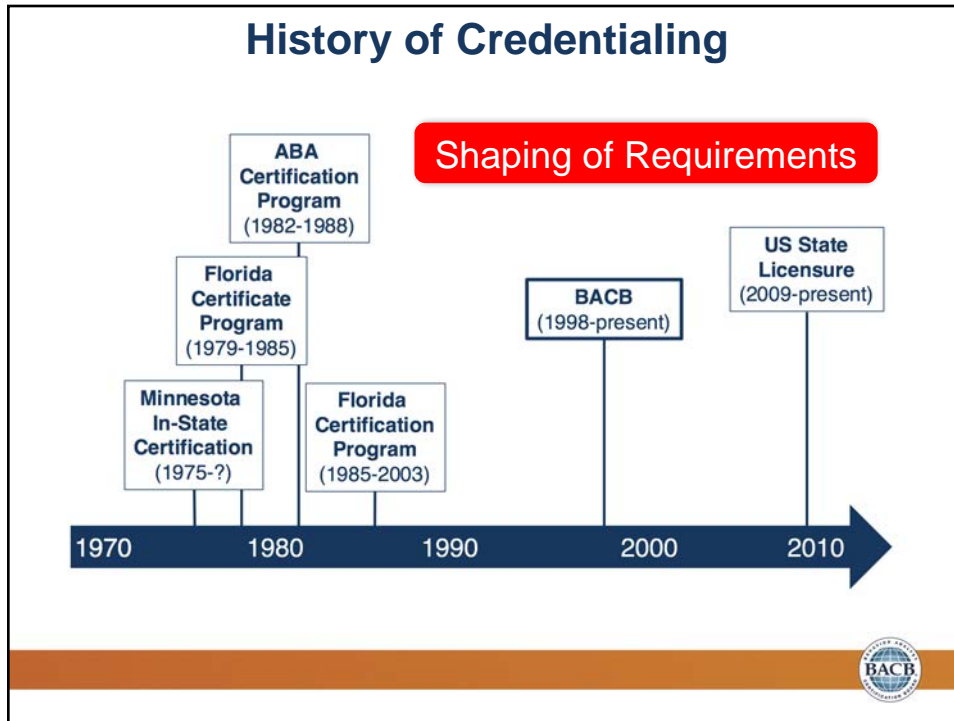
Certification	# of Certificants
BCaBA	86
BCBA	576
BCBA-D	38
<b>Total</b>	<b>700</b>

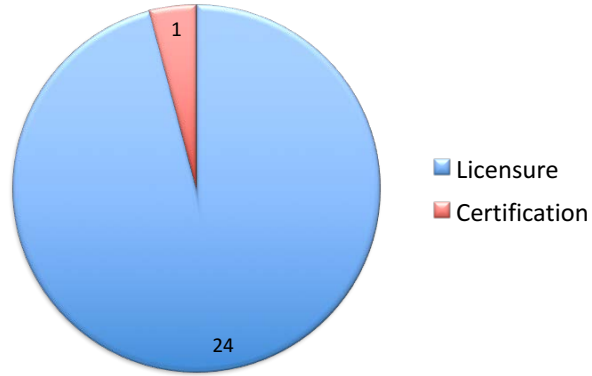


# Credentialing

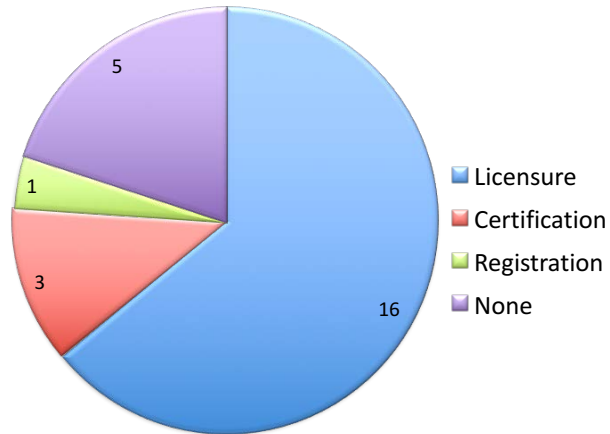




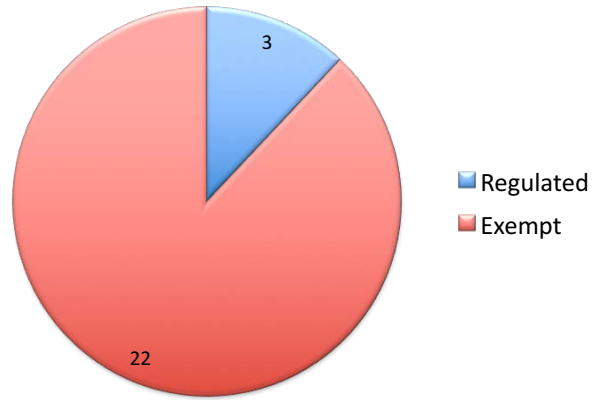
### Regulation of Behavior Analysts



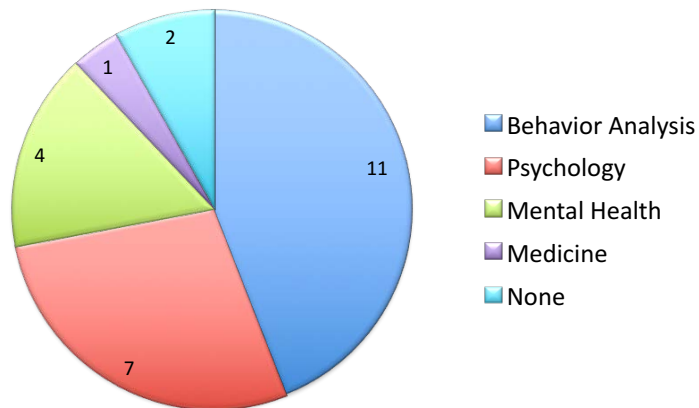
### Regulation of Asst. Behavior Analysts



### Regulation of Behavior Technicians



### Regulatory Authority



## Critical Questions?

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



## Regulatory Coordination with BACB

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



