
From: Behavior Analyst Certification Board [Behavior_Analyst_Certification_B@mail.vresp.com]
Sent: Friday, January 07, 2011 1:41 PM
To:
Subject: CalABA-BACB Joint Statement to California Certificants



WHY WORRY NOW?

BECAUSE YOUR PROFESSION IS AT RISK!

A joint statement issued by the California Association for Behavior Analysis
and the Behavior Analyst Certification Board issued
January 2011

In our cumulative years of practice, none of us has ever before had to defend ourselves against allegations that our practice of ABA is the **UNAUTHORIZED PRACTICE OF MEDICINE**. Sadly, that is just the argument put forth by the Department of Managed Health Care in the California Consumer Watchdog lawsuit. (<http://calaba.org/practice-campaign.shtm>). The steadfast resistance by the health insurance industry to the coverage of ABA services necessitated the filing of the Watchdog lawsuit, and the outrageous claim that behavior analysts are engaged in the practice of medicine is just the most recent assault waged against the practice of applied behavior analysis in the State of California.

As many of you know, Consumer Watchdog and CalABA have both been wrestling with the apparent requirement of insurance providers (deferring to the Department of Managed Health Care), that covered services be provided by state-recognized (licensed) professionals. In 2010 CalABA sought to address this claim by proposing minimal state recognition of BCBA and BCaBA practitioners. The original proposal of CalABA would have resulted in recognition by the State of California of those who are nationally certified by the BACB. It would have helped address the claim by insurers denying coverage for ABA services provided by certificants who are not otherwise licensed.

What began as a simple effort to obtain state recognition ended with disappointing results. Despite strong legislative backing and momentum from the CalABA and the BACB, the simple recognition proposed by CalABA was soon muddied and distorted by legislative agendas of other individuals and organizations with private interests and self-serving business ties. It was not long before CalABA's proposal for recognition was looking like a private corporation would be created in California to "recognize and grant certification." Yes, BCBA's and BCaBA's may have been recognized, but so too would be any number of non-certified, practitioners lacking education and training in applied behavior analysis. It was clear that this was unacceptable.

What now? As we issue this joint statement, it is apparent that, without some form of state recognition, both insurers and regulators will continue to raise the specter that we are practicing medicine without a license. To the best of our knowledge, none of the BACB certificants have been prosecuted by the State

as engaging in the authorized practice of medicine, but the Department of Managed Healthcare has made the claim and a court is entertaining motions on the matter.

It is also apparent that Autism Speaks has identified California as a target for mandated insurance coverage. This positive focus makes it even more important that some form of recognition of professionals be provided or covered in the insurance mandate. Are we back at square one? If CalABA puts forth another effort at recognition, our experience last year tells us we run the risk of encountering:

*private agendas being presented as official policy statements or positions

*nonsupport or direct interference from other professional associations

*efforts to maximize business potentials through the recognition model

To us, these are not acceptable. Such impediments and private agendas must be adequately disposed of before CalABA will risk losing its legislative support by putting forth another effort at recognition that results in potentially harmful legislation.

Here's what you need to do to protect your professional future and make sure that high quality behavior analytic services are available to those who need these critical services.

1. Learn everything you can about the issues. Get involved. Help CalABA and the BACB protect the right to practice for behavior analysts in California. Visit the CalABA Public Policy website and learn about CalABA's campaign to protect behavior analysts' right to practice. <http://calaba.org/practice-campaign.shtm> and follow the campaign on Twitter http://twitter.com/Cal_ABA
2. Join CalABA and attend the 2011 CalABA Conference at the Burlingame Hyatt (adjacent to the San Francisco National Airport). www.calaba.org. Make sure you or at least one person from your agency attends every session in the Public Policy and Leadership in Advocacy track. Details of CalABA's and the BACB's campaign to protect the right to practice behavior will be discussed at the conference.
3. Donate to CalABA's campaign to protect our right practice as behavior analysts. Membership and dues don't cover the costs needed to protect your professional future and funding for ABA services by qualified practitioners. Donating is easy. You can do it online (www.calaba.org). Any amount will help us come closer to our target goals.
4. Get involved. Your efforts will make a difference. Members of CalABA's Public Policy Committee (PPC) and Eric Ritter, CalABA's campaign coordinator will be reaching out to you. Take Eric's call or e-mail eritter@calaba.org

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