

## INITIAL STATEMENT OF REASONS

### **Section 54342(a)(13):** **Specific Purpose:**

This section is being amended in order to extend the deadline by which the educational requirements must be met.

### **Rationale for Necessity:**

The requirement for completion of 12 semester units in applied behavior analysis courses was originally publicly noticed as of September 26, 2003, and became permanently effective as of May 29, 2004, which gave the affected public from May 29, 2004 until November, 2006, to complete the necessary courses. The intent of the amendment was to require behavior management consultants to have at least the same minimum educational requirements as those individuals whom they supervised, specifically Associate Behavior Analysts and Behavior Management Assistants. The Department was informed in March, 2006, that many behavior management consultants who are currently vendedored were not aware of this educational requirement and would be unable to acquire 12 semester units by November 2006. The Department agrees this is a difficult deadline to meet and proposes to extend the deadline.

As proposed, this amendment extends the deadline for acquisition of the 12 semester units in applied behavior analysis to December 31, 2008, for those individuals vendedored prior to, or as of, December 31, 2006. Beginning with January 1, 2007, all individuals wishing to be vendedored must meet the educational requirements as a condition of being vendedored. The Department feels this is sufficient time for individuals currently vendedored to complete the required education and gives individuals wishing to be vendedored in the future sufficient notice that there are minimum requirements that must be met in order to be vendedored.

Some individuals may have already completed these courses as a condition of licensing. For these individuals, there is no need to repeat the courses to satisfy the requirements of this section. However, there may be individuals whose course of study did not include courses in applied behavior analysis, therefore, these individuals will be required to complete the courses.

When expressing concerns about the inability to meet the original deadline of November, 2006, concerns were also expressed about the lack of a requirement that these courses be taken through accredited institutions and suggested this section include the requirement that courses be taken through an accredited institution. The Department does not feel it necessary to include this

requirement. Section 54342 lists an array of professions that include educational requirements without the specification that the course work be obtained through an accredited institution, and also does not suggest the venue for obtaining the education (classroom, on-line, etc.) and the Department declines to single out the category of behavior management consultants to include this additional information. Further, the Medical Board of California maintains a listing of recognized or disapproved medical schools, and Business and Professions Code Sections 4996-4998.7 and 4980-4984.7 require psychologists and licensed clinical social worker and licensed marriage and family therapists to obtain degrees from accredited institutions, and Business and Professions Code Section 2914 requires psychology degrees to be obtained from accredited institutions. Individuals used their own discretion in choosing institutions from which they obtained their degrees, and the Department feels the choice of an institution for any additional education should remain with the individual.

**56040(b)(2),(3) and (4):**

Sections 54344, 54346, and 54348 were incorporated into Section 54342, effective 1-17-97. This amendment reflects this incorporation. (For reference, see History Note #11 of Section 54344).