

September 16, 2015

Applied Behavioral Analysis Provider Workgroup Members and Others:

Greetings from the South Dakota Psychological Association (SDPA) Executive Committee. The SDPA represents psychologists across the state. Psychologists are doctorally trained professionals who practice in a multitude of settings and subfields, some of which include the use of Applied Behavior Analysis and/or its underlying principles and empirical supported techniques. We appreciate the Workgroup allowing SDPA to provide feedback as it undertakes the important task of drafting recommendations regarding certification and licensure of Applied Behavior Analysis providers.

Foremost, as psychologists, we understand the importance of providing treatments to persons diagnosed with Autism Spectrum Disorder and the value of the individuals providing Applied Behavior Analysis in South Dakota. It is not our intent to prohibit these services from being provided, but instead to ensure that such services are outlined appropriately and that the ability of psychologists to continue to provide these services is not hampered. We submit the following for consideration as the workgroup drafts its recommendations:

1. **PROVIDER STATUS:** To obtain a license, psychologists in the State of South Dakota are required to have training in the behavioral principles and techniques that underlie and coincide with Applied Behavior Analysis as well as training to provide a multitude of other empirically supported therapeutic techniques aimed at behavior change. Therefore, ABA is within the current scope of practice for a psychologist licensed in South Dakota. Consequently, when specifying providers of ABA services, licensed psychologists should be exempt from any requirement to obtain a separate certification in Applied Behavior Analysis and any requirements that would extend beyond existing SD licensure requirements for psychologists.

2. **SCOPE OF PRACTICE:** Clear delineation between the appropriate scope of practice of a licensed psychologist versus an applied behavior analyst must be made in order to ensure the public's safety. Psychologists are trained much more extensively - and consequently, psychologists should have a much broader scope of practice. Thus, we would submit that the scope of practice of any individual certified or licensed solely to provide Applied Behavior Analysis (BCBA or BCaBA certification or credentialing only) does not include diagnosis, counseling, psychological testing, personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy, cognitive therapy, sex therapy, family therapy, coordination of care, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.¹

3. **REGULATING BODY:** We are aware that the SD Board of Examiners of Psychologists is under consideration as a potential regulating entity for the providers who hold ABA certifications. This raises concern that the financial responsibility for the regulation of this additional group of providers [and maintenance of any additional insurance involved] will fall upon SD licensed psychologists, who already pay a hefty annual licensure fee. Additionally, we recognize that current board members would be responsible for implementing and enforcing regulations pertaining to individuals with differing education and training backgrounds, much more limited scopes of practice, etc. than current licensed psychologists - all in addition to board members' existing responsibilities in regulating psychologists. This would most certainly be an additional time commitment.

¹ These exact exclusions to the "practice of applied behavior analysis" can be found within North Dakota's codified law as well - see ND 43-32-01 at <http://www.legis.nd.gov/cencode/t43c32.pdf?20150916013925>

Thank you for the opportunity to provide feedback. We appreciate all you are doing on behalf of persons with Autism Spectrum Disorder. We welcome any questions or requests for additional information with regard to this issue. We apologize we are unable to have representation at the September 17th Workgroup meeting. We do plan to have representation at the October 21st Workgroup meeting.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Trisha T. Miller, Ph.D." The signature is written in a cursive style.

Trisha T. Miller, Ph.D. (SDPA Member-At-Large Representative)
p.p. South Dakota Psychological Association Executive Committee

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