

Frequently Asked Questions

Behavior Analyst and Assistant Behavior Analyst

Question: When will applications for licensure be accepted by the Department for behavior analysts and assistant behavior analysts?

Answer: Applications for these licenses may be submitted to the Department now.

Question: When will behavior analysts and assistant behavior analysts need to become licensed?

Answer: Behavior analysts and assistant behavior analysts should become licensed in Nebraska as soon as possible. Information and application forms are currently available on the DHHS website and can be submitted to the Department at any time.

Question: If I do not get licensed as a behavior analyst or an assistant behavior analyst by September 2, 2024, can I continue to practice behavior analysis?

Answer: Yes, individuals who have been practicing in Nebraska as a behavior analyst or as an assistant behavior analyst may continue to practice behavior analysis for up to 90 days following September 2, 2024. The Department will take no administrative action during these 90 days regarding behavior analysts and assistant behavior analysts who continue to practice prior to becoming licensed in Nebraska.

Question: Will the licensed behavior analyst and licensed assistant behavior analyst be able to provide any mental health services, or are they strictly limited to applied behavior analysis services?

Answer: The Board is currently drafting regulations; however, the Board and the Department do not have the authority to change any details related to the Behavioral Analyst Practice Act, including the scope of practice for behavior analysis found in Neb. Rev. Stat. § 38-4408.

38-4408. Practice of applied behavior analysis, defined.

(1) Practice of applied behavior analysis means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior.

(2) Practice of applied behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis.

(3) Applied behavior analysis interventions (a) are based on scientific research and direct and indirect observation and measurement of behavior and environment and (b) utilize contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other procedures to help individuals develop new behaviors, increase or decrease existing behaviors, and emit behaviors under specific environmental conditions.

(4) Practice of applied behavior analysis excludes (a) diagnosis of disorders, (b) psychological testing, (c) psychotherapy, (d) cognitive therapy, (e) psychoanalysis, (f) counseling, (g) functional movement analysis, (h) practice by persons required to be credentialed under the Audiology and Speech-Language Pathology Practice

Act in the diagnosis or treatment of hearing, speech, communication, or swallowing disorders, or (i) practice by persons required to be credentialed under the Occupational Therapy Practice Act in the treatment of occupational performance dysfunction, such as activities of daily living and instrumental activities of daily living.

Source:Laws 2023, LB227, § 8.

Question: Will you require anything additional for out of state providers?

Answer: No.

Question: Will you require a provider have a brick-and-mortar location in Nebraska?

Answer: No.

Question: Will a licensed behavior analyst and licensed assistant behavior analyst be able to use telehealth for applied behavior analysis services?

Answer: Yes, behavior analysts and assistant behavior analysts may continue to use telehealth to provide behavior analysis services. The Board is currently establishing requirements to specifically address telehealth in the regulations.

Question: What are the fees for licensure as a licensed behavior analyst and a licensed assistant behavior analyst?

Answer: The fee for initial licensure as a licensed behavior analyst is \$150.00. The fee for licensure as a licensed assistant behavior analyst is \$100.00. The fee for temporary licenses is \$100.00.