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23 April 2025

Legal Position Statement on Licensure Requirements for Supervisors in Behavior Analysis

It has come to the attention of professionals within the QABA-certified community that there is significant misunderstanding regarding licensure requirements for supervising behavior analytic services. Specifically, some practitioners believe that certification alone is sufficient to supervise trainees or certificants across state lines, including via telehealth, without holding a license in the state where the client or supervisee is located. This belief is incorrect and legally untenable in states such as Texas, which have enacted licensure laws governing the practice of applied behavior analysis (ABA).

I am using Texas as an example since it was the first state mentioned. But state law is almost consistent across the board as they all follow the Association of Professional Behavior Analysts Model Behavior Analyst Licensure Act¹.

I. Practice of Behavior Analysis Under Texas Law

Texas law defines the scope and boundaries of who may legally engage in applied behavior analysis. While the Texas Occupations Code Chapter 506² does not use the word “supervision” explicitly in its definition of “practice of applied behavior analysis,” the activities covered by supervision, such as directing, guiding, and reviewing assessment and treatment—fall within the meaning of the practice when they involve clinical oversight or influence over a client’s behavior intervention plan. Therefore, supervision of individuals who are providing direct behavior analytic services, particularly when those services impact a client’s treatment, is considered the practice of behavior analysis under Texas law.

¹https://assets.noviams.com/novi-file-uploads/apba/pdfs-and-documents/Licensure_of_ABA_Practitioners/APBA_ModelLicensureAct_Aug20-99561bbf.pdf

² <https://statutes.capitol.texas.gov/docs/OC/htm/OC.506.htm>

II. Licensure Requirement

Under Texas Occupations Code § 506.055:

"A person may not engage in the practice of applied behavior analysis unless the person holds a license under this chapter."

This provision applies regardless of the supervisor's physical location. If the client or supervisee is located in Texas, any individual overseeing or directing those services is deemed to be practicing behavior analysis within Texas and must therefore be licensed by the Texas Department of Licensing and Regulation (TDLR).

III. Limited Exemption for Supervised Trainees

Texas Occupations Code § 506.056 provides a limited exemption for individuals who are:

"pursuing supervised experience in applied behavior analysis if the supervised experience is consistent with the requirements of the certifying entity and commission rules."

This allows trainees, such as those working toward certification as ABATs or QASP-Ss—to engage in service delivery under appropriate supervision without holding a license. However, this exemption does not extend to supervisors. The individual providing supervision must be legally authorized to practice applied behavior analysis in Texas, which requires holding a valid Texas license.

IV. Penalties for Noncompliance

Texas law provides clear enforcement mechanisms for violations:

Administrative penalties under § 506.351 include suspension, revocation, or denial of licensure for violations of the chapter or commission rules.

Criminal penalties under § 506.352 state: "A person commits an offense if the person knowingly violates this chapter. An offense under this section is a Class A misdemeanor. Each day of violation constitutes a separate offense."

Engaging in supervision or any other unlicensed practice of behavior analysis in Texas without the proper credential may result in both regulatory and criminal consequences.

V. Application to Remote and Ongoing Supervision

This licensure requirement applies not only to those supervising trainees accruing hours toward certification, but also to those providing ongoing supervision for QABA certificants, such as QASP-Ss and ABATs. The mode of supervision, whether conducted in person or via telehealth, does not alter the legal obligations. The key factor is the location of the supervisee and client. If either party is in Texas, the supervisor must be licensed in Texas.

VI. Practice in Unregulated States

In jurisdictions that do not currently regulate behavior analysis by statute, supervision may occur under the rules of the certifying body alone, without the need for state licensure. However, once a state implements a licensure law, professionals must comply with its provisions, including the requirement that supervisors be licensed in the state where services are rendered.

VII. Importance of Legal Compliance

Following state licensure laws is essential not only to remain in compliance with legal and ethical standards, but also to support ongoing licensure advocacy efforts. By ensuring all certificants adhere to state laws, QABA can present a strong case to legislatures and licensing

boards that its practitioners are responsible professionals who operate with integrity and within the bounds of the law.

Conclusion

In states such as Texas where behavior analysis is regulated, supervisors must be licensed in the state where services, including those performed by supervisees, are provided. Certification alone does not permit one to supervise or practice in these jurisdictions. Failure to comply with these laws may result in administrative penalties, criminal charges, and professional sanctions. QABA is encouraged to issue clarifying guidance to all certificants and to emphasize the legal importance of state licensure when providing supervision across state lines.

References

Texas Occupations Code. (2024). *Chapter 506. Behavior Analysts*. Retrieved from <https://statutes.capitol.texas.gov/Docs/OC/htm/OC.506.htm>

- § 506.002. Definitions.
- § 506.055. License Required; Use of Title.
- § 506.056. Applicability; Exemption.
- § 506.351. Grounds for Disciplinary Action.
- § 506.352. Criminal Penalty.

Texas Department of Licensing and Regulation. (2024). *Behavior Analyst Licensing Program*. Retrieved from <https://www.tdlr.texas.gov/behavioranalyst/behavioranalyst.htm>

QABA. (2024). *QASP-S and ABAT supervision and credentialing standards*. Retrieved from <https://qababoard.com>