New Jersey Department of Human Services
Division of Developmental Disabilities

Information Bulletin

Date:	October 27, 2026
From:	Jonathan Seifried, Assistant Commissioner Division of Developmental Disabilities
To:	All DDD Service Providers and Stakeholders
Subject:	The Applied Behavior Analyst Licensing Act and Behavioral Supports Funded by the Division of Developmental Disabilities

New Jersey licensure requirements for Behavioral Supports

In 2020, New Jersey enacted the Applied Behavior Analyst Licensing Act, P.L. 2019, c. 337, which protects the public by setting standards of qualification, education, training, and experience for those persons seeking to practice and be licensed as applied behavior analysts and assistant applied behavior analysts. The law created the New Jersey State Board of Applied Behavior Analyst Examiners (the "Board") to oversee these standards and established licensure requirements for the practice of applied behavior analysis ("ABA"). The Board's rules are found at N.J.A.C. 13:42B.

Compliance Deadline for Division of Developmental Disabilities Service Providers

The deadline for Division of Developmental Disabilities' service providers to comply with the requirements set forth in the ABA Licensing Act is May 6, 2027. **After May 6, 2027, individuals providing DDD-funded behavioral supports must meet New Jersey's Licensed Behavior Analyst (LBA) requirements or qualify for another exemption under State law.**

The Board's Regulations, found at N.J.A.C. 13:42B-1.1, provided a temporary exemption for certain professionals who deliver ABA services through the Division of Developmental Disabilities (DDD or Division) when:

- The person works under DDD's authority or under contract with DDD;
- The person provides ABA services only for DDD or under a DDD contract; and
- DDD or one of its contracted providers is the sole source of payment for those services.

This temporary exemption expires on May 6, 2027. **Neither DDD nor the NJ State Board of Applied Behavior Analyst Examiners has the authority to extend the deadline as it is established within the current law.**

Services that Require Compliance with the ABA Licensing Act

N.J.A.C. 13:42B-1.2 *defines ABA as the practice of designing, implementing, and evaluating instructional and environmental modifications to produce socially significant improvements in human behavior, including the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. Applied behavior*

analysis interventions are based on scientific research and direct and indirect observation and measurement of behavior and environment. Applied behavior analysts 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 pursuant to specific environmental conditions. The practice of behavior analysis does not include psychological testing, diagnosis of mental, physical, or speech language, hearing, and other communication and swallowing disorders, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and counseling as treatment modalities.

Many activities billed as DDD Behavioral Supports under procedure code H0004HI22, or rendered to persons with behavioral acuity funded by an acuity differentiated service rate, may fall within this definition. These activities include:

- Conducting a functional behavior assessment;
- Developing or revising a behavior support plan;
- Developing behavioral interventions;
- Evaluating whether a behavior support plan or intervention is effective; and
- Making clinical decisions based on behavioral data.

Provider Qualifications and Exemptions

On and after May 6, 2027, the above activities must be performed by a person who is authorized to provide them under P.L. 2019, c. 337 and N.J.A.C. 13:42B.

- An authorized person under these provisions may include:
- A New Jersey Licensed Applied Behavior Analyst (LBA)
- Another person who is licensed in another profession and qualifies for a professional-practice exemption under N.J.A.C. 13:42B-1.1(b)1.

Licensed professionals who may qualify for the professional-practice exemption include physicians, psychologists, psychoanalysts, marriage and family therapists, social workers, professional or rehabilitation counselors, speech-language pathologists, and audiologists.

Holding one of these professional licenses does not automatically authorize the person to provide every ABA service. The service must fall within the person's professional scope of practice, education, training, and competence. When the person's authority is unclear, it is incumbent upon the provider/person to obtain verification from the board that regulates that profession and/or the ABAE before assigning or billing for the service. Documentation of this must be provided to State or Federal auditors upon request.

Certification vs. Licensure

Certification by the Behavior Analyst Certification Board does not replace/is not equivalent to licensure.

On and after May 6, 2027, a Board-Certified Behavior Analyst (BCBA) or Board Certified Behavior Analyst – Doctoral (BCBA-D) must also hold a current New Jersey license to practice ABA in New Jersey unless the person qualifies for another exemption.

DDD authorization and Medicaid prior authorization do not replace professional licensure requirements. The ability to bill for and/or render DDD funded Behavioral Supports in no way constitutes compliance with P.L. 2019, c. 337.

What Providers Must Do

DDD providers are strongly advised to immediately begin preparing to comply with the ABA Licensing Act. Each provider that delivers and/or bills for Behavioral Supports should:

- Identify every employee and contractor who conducts assessments, develops or revises plans, develops interventions, evaluates plan effectiveness, reviews behavioral data, or directs behavioral interventions.
- Verify each person's current New Jersey license. Behavior Analyst Certification Board (BACB) credentials alone will no longer be sufficient on and after May 6, 2027.
- Assign assessment, plan-development, intervention-development, and evaluation activities only to people legally authorized to perform them.
- Establish supervision arrangements that comply with N.J.A.C. 13:42B for LaBAs, paraprofessional technicians, Registered Behavior Technicians (RBTs), students, and other supervised staff.
- Review and update job descriptions, contracts, policies, credentialing records, staff titles, supervision procedures, and clinical-signature requirements.
- **Ensure that anyone – including any BCBA, BCBA-D, and anyone practicing ABA, other than those exempt under N.J.A.C. 13:42B-1.1(b)(1) – applies for and receives a New Jersey license before May 6, 2027.**
- Develop a transition plan that prevents interruptions in services or delays in payment.

DDD and its providers must comply with P.L. 2019, c. 337 and N.J.A.C. 13:42B. DDD does not have authority to waive licensing requirements established by State law or by New Jersey State Board of Applied Behavior Analyst Examiners.

DDD does not provide legal advice. This guidance is not exhaustive. Providers and professionals are solely responsible for compliance with this law on or before May 6, 2027. This includes reviewing the law and engaging relevant boards to obtain answers to questions they may have. Failure to comply with the ABA Licensing Act will result in negative actions, which can include: repayment of claims; inability to render/bill for impacted service(s); and/or notification to the relevant State Board for any suspected violations of relevant statute or regulation, if it is found a person has practiced outside the scope of their professional license.