

262 CMR 4.00: Requirements For Licensure As a Rehabilitation Counselor

4.01: Licensure Requirements

(1) **Preface.** To qualify for licensure as a rehabilitation counselor, pursuant to the requirements of M.G.L. c. 112, § 165, as amended, an applicant must provide evidence satisfactory to the Board that the professional standards and education experience requirements described in 262 CMR 4.01(3) have been met by the applicant.

All licensed rehabilitation counselors are charged with having knowledge of the existence of 262 CMR and required to practice rehabilitation counseling in accordance with them.

(2) **Definitions.**

Approved Supervisor.

- (a) A rehabilitation counselor currently certified as a CRC by the CRCC;
- (b) a currently licensed rehabilitation counselor, or an individual who meets the qualifications for licensure as a rehabilitation counselor by the Board; or
- (c) a person who has a minimum of five years of clinical experience in rehabilitation counseling and either:
 - 1. a master's degree in rehabilitation counseling or a related field;
 - 2. a doctorate in psychology; or
 - 3. a medical degree with a subspecialization in psychiatry.

Board. Board of Allied Mental Health and Human Services Professions.

CRCC. The Commission on Rehabilitation Counselor Certification.

CRC. Certified Rehabilitation Counselor credential issued by the CRCC.

Full Time. 35 hours per week/48 weeks per year.

Graduate Level Course. Three credit semester or four credit quarter graduate level course.

Group Supervision. A regularly scheduled meeting of not more than six rehabilitation professionals with an approved supervisor for a period of at least one hour. "Peer" supervision will not be considered to be qualifying supervision for these purposes.

Individual Supervision. A meeting of not more than one or two rehabilitation professionals with an approved supervisor for a period of at least one hour.

Internship.

(a) A distinctly defined, post-practicum, supervised curricular experience intended to enable the rehabilitation counselor to refine and enhance basic rehabilitation counseling skills, develop more advanced rehabilitation counseling skills, and integrate professional knowledge and skills pertinent to the initial post-graduate professional experience.

(b) An internship completed after the award of a qualifying graduate degree must include a clearly defined program and schedule of services and duties to be performed by the intern. Written evaluations of the performance of the interns, as well as an evaluation of the internship experiences by the intern, must be included in post-graduate internships.

Licensure Examination. The examination for licensure as a rehabilitation counselor shall be the CRCC Certification Examination. The CRC credential/certification is not required for licensure. The licensure examination is administered two times per year by the CRCC. For information on sites, dates of administration, and fees, contact the CRCC.

Recognized Educational Institution. An educational institution licensed by the state in which it is located which meets national standards for the granting of a master's or doctoral degree. "National Standards" shall be deemed to include, but not be limited to, approval by the United States Department of Education.

Related Field. Counselor education, psychology, counseling psychology, education with a concentration in counseling or psychology, or other field determined by the Board to be a related field.

Supervised Clinical Experience. A minimum total of 200 hours of group and individual supervision in the clinical practice of rehabilitation counseling by an approved supervisor. A minimum of 100 hours of the required minimum 200 hours of supervision must be individual supervision.

(3) **Licensure Eligibility.** A candidate for licensure as a rehabilitation counselor must meet the requirements set forth in 262 CMR 4.01(3)(a) through (e).

(a) **A Master's or Doctoral Degree in Rehabilitation Counseling or a Related Field from a Recognized Educational Institution.** The graduate degree program of study must have included an internship. If an applicant's master's or doctoral degree program of study consisted of less than 48 semester hours, or, if the applicant's master's or doctoral degree program of study did not include the courses listed in 262 CMR 4.01(3)(b) and/or an internship, evidence of completion of graduate level courses and/or an internship outside of the degree program sufficient to meet the 48 semester hour, course and internship requirements, must be submitted to the Board for review and approval. An applicant who was awarded a graduate degree from a combined professional graduate program must submit the program of study for such combined program for review and approval of such program by the Board;

(b) Successful completion of one graduate level course in each of the following content areas (Total courses required = 5):

- Job Placement/Development/Vocational Analysis/Transferable Skill Development
- Vocational Assessment and Evaluation
- Vocational and Affective Counseling
- Rehabilitation Plan Development
- Medical Aspects of Disabilities

(c) A minimum of two years full-time, post-master's degree supervised clinical experience or equivalent part-time, work experience in rehabilitation counseling in a clinic or hospital licensed by the Department of Mental Health or accredited by the Joint Commission on Accreditation of Hospitals or in an equivalent center or institute, or under the direction of an approved supervisor. Applicants who have completed a qualifying master's degree consisting of a 48 semester hour program of study which included an internship may be credited a maximum of ½ of the total number of hours of the internship experience toward the clinical experience requirement;

(d) Successful completion of a Supervised Clinical Experience; and

(e) Achievement of a passing score on the licensure examination. If an applicant is currently a CRC in good standing, a copy of the applicant's CRCC membership certificate may be submitted with the licensure application in lieu of an examination score report from the CRCC.

262 CMR 5.00: Requirements For Licensure As an Educational Psychologist

5.01: Licensure Requirements

(1) **Preface.** To qualify for licensure as an educational psychologist, pursuant to the requirements of M.G.L. c. 112, § 165, as amended, an applicant must provide evidence satisfactory to the Board that the professional standards and education experience requirements described in 262 CMR 5.01(3) have been met by the applicant.

All licensed educational psychologists are charged with having knowledge of the existence of 262 CMR and required to practice educational psychology in accordance with them.

(2) **Definitions.**

Approved Supervisor. A school psychologist who:

- (a) is licensed as an educational psychologist, or meets the qualifications for licensure as an educational psychologist by the Board; and
- (b) has a minimum of five full-time academic years, or equivalent part-time, experience as a certified school psychologist.

Board. Board of Allied Mental Health and Human Services Professions.

CAGS. Certificate of Advanced Graduate Study.

Full-Time Academic Year. A full-time academic year consists of a minimum of 180 days. Two full-time academic years consist of a minimum of 360 days.

Licensure Examination. The examination for licensure as an educational psychologist shall be the National School Psychology Examination (ETS/NTE #40) of the National Association of School Psychologists (NASP) administered by Education Testing Service (ETS). NASP Certification as an NCSP is not required for licensure. The licensure examination is administered three times per year by ETS. For information on sites, dates of administration, and fees, contact ETS.

School Psychological Services. Consists of employment by a public school system or private school or agency as a Department of Education certified school psychologist engaged in the role and performing the duties of a school psychologist. Private practice/self-employment as a school psychologist is not acceptable in fulfillment of the post-master's degree work experience in school psychological services requirement.

Supervised Clinical Experience. A minimum of 60 hours of post-master's degree supervision in the practice of school psychological services by an approved supervisor.

Supervision. A regularly scheduled meeting of not more than six school psychologists with an approved supervisor for period of at least one hour. "Peer" supervision will not be considered to be qualifying supervision for these purposes.

(3) **Licensure Eligibility Categories.** A candidate for licensure as an educational psychologist must meet the requirements set forth in 262 CMR 5.01(3)(a) through (e):

(a) **A Master's Degree, CAGS, or Doctoral Degree in School Psychology from an Educational Institution Licensed or Accredited by the State in which it is Located.** The applicant's graduate degree must consist of:

1. a minimum of 60 credits of approved graduate course work: If an applicant's graduate degree program of study consisted of less than 60 credits of approved graduate course work, evidence of completion of graduate level courses outside of the degree program sufficient to meet the 60 credit approved courses requirement must be submitted to the Board for review and approval;
2. a Practicum/Internship experience consisting of a minimum of 1200 clock hours of supervised field placement. If an applicant's graduate degree program of study did not include a minimum of 1200 clock hours of supervised field placement, evidence of completion of additional hours of supervised field placement outside of the graduate degree program sufficient to meet the 1200 clock hour requirement must be submitted to the Board for review and approval;

(b) Current certification (copy of certificate) as a school psychologist by the Department of Education of the Commonwealth of Massachusetts or comparable certification from another state;

(c) A minimum of two full-time academic years, or equivalent part-time, post-master's degree experience in school psychological services;

- (d) Successful completion of a Supervised Clinical Experience; and
- (e) Achievement of a passing score on the licensure examination.

262 CMR 6.00: Disciplinary Action

- 6.01: Preface
 - 6.02: Definitions
 - 6.03: General Provisions
-

6.01: Preface

262 CMR 6.00 establishes conduct which warrants disciplinary action by the Board against a licensee.

6.02: Definitions

Board. The Board of Allied Mental Health and Human Services Professions.

Licensee. A person holding a license issued pursuant to M.G.L. c. 112, §§ 163 through 172.

6.03: General Provisions

(1) The Board may, by majority vote after a hearing conducted in accordance with M.G.L. c. 30A and 801 CMR 1.00, et seq., take disciplinary action against any individual who holds a license issued by the Board. Grounds for such disciplinary action shall include, but shall not be limited to:

(a) engaging in, authorizing, or aiding or abetting fraud, deceit, misrepresentation of material facts, the provision of false or forged evidence, or bribery in connection with any application for any license which may be issued by the Board or in connection with any application for reinstatement of a license issued by the Board;

(b) violation of any provision of 262 CMR or any provision of M.G.L. c. 112, §§ 61 through 65A or 163 through 172A;

(c) engaging in practice which is fraudulent or beyond the authorized scope of practice for the license issued by the Board;

- (d) incompetence, negligence, or malpractice, where such incompetence, negligence, or malpractice results in injury to a client or creates an unreasonable risk that a client may be harmed;
 - (e) permitting, aiding or abetting an unlicensed person to perform activities requiring a license;
 - (f) continuing to practice while the Licensee's license is lapsed, suspended, or revoked;
 - (g) suspension, revocation, or restriction of the Licensee's license to practice any other licensed profession by a competent authority in any state, federal, or foreign jurisdiction;
 - (h) failure to cooperate with the Board in any investigation of the Board or its agent or otherwise interfering with the actions of the Board or its agent in such an investigation, whether or not the Licensee is the subject of the investigation;
 - (i) failure to comply with an order issued by the Board or a consent agreement entered into with Board;
 - (j) misrepresentation or fraud in any aspect of the conduct of the business or practice of the Licensee's profession;
 - (k) advertising that is fraudulent, false, deceptive or misleading;
 - (l) failure to comply with the continuing education requirements under 262 CMR 7.00.
- (2) For purposes of 262 CMR 6.03(1), the term "disciplinary action" shall include, but shall not be limited to:
- (a) denial, revocation or suspension of any license or certification which may lawfully be issued by the Board;
 - (b) refusal to renew any such license or certification; issuance of a letter of censure;
 - (c) issuance of a written reprimand;
 - (d) placement of a Licensee on probation; or
 - (e) other such sanctions as provided for under M.G.L. c. 112, §§ 163 through 172A or M.G.L. c. 112, § 61.

262 CMR 7.00: Continuing Education

- 7.01: Scope, Purpose and Regulatory Authority
 - 7.02: Definitions
 - 7.03: Continuing Education Requirements
 - 7.04: Verification of Continuing Education Activities
-

7.01: Scope, Purpose and Regulatory Authority

The purpose of continuing education is to maintain high standards for the practice of mental health counseling, marriage and family therapy, rehabilitation counseling, educational psychology, and applied behavior analysis by requiring licensees to participate in on-going educational activities. Through these activities, licensees increase their competence and enhance their knowledge.

7.02: Definitions

Board: The Board of Registration of Allied Mental Health and Human Services Professions established under M.G.L. c. 13, §88.

Board-Recognized Entities: Entities that the Board has designated as appropriate to approve sponsors of continuing education activities. Entities may define continuing education content areas appropriate for the specific license. Designated entities may define procedures for the sponsors to follow in the delivery of continuing education activities.

Contact Hour: The unit of measurement for an organized learning experience lasting 50 consecutive minutes.

Entity-Approved Sponsors: Continuing education providers that have been approved by Board-Recognized Entities to sponsor continuing education activities. Sponsors may include, but are not limited to, colleges and universities, professional institutes, other workshop providers, and other professional training organizations.

7.03: Continuing Education Requirements

(1) All licensees are required, as a condition of license renewal, to complete a minimum of 30 Contact Hours of continuing education activities per licensure/renewal period (every two years). These Contact Hours must be obtained from Board-Recognized Entities.

(2) Pursuant to M.G.L. c. 112, § 264, applicants and licensees shall participate in domestic violence and sexual violence training as a condition for licensure, renewal, revival or reinstatement of licensure.

(a) The Board, in consultation with the Department of Public Health, will identify programs or courses of study that meet the standards required by this provision and provide its licensees with a list of such programs or courses.

(b) An applicant for renewal, revival or reinstatement of licensure, who has previously completed a program or course approved by the Board shall not be required to participate in a subsequent program or course of domestic violence and sexual violence training except where the Board, in its discretion, requires completion of such a program or course as a condition of renewal, revival, or reinstatement of licensure.

(3) Failure to comply with the continuing education requirements of 262 CMR 7.00 is grounds for disciplinary action pursuant to 262 CMR 6.03(1) and may result in the non-renewal of the license.

7.04: Verification of Continuing Education Activities

(1) Effective for each licensure/renewal period commencing January 1996, each licensee will be required to submit a statement on the license renewal form provided by the Board attesting to satisfaction of the continuing education requirements of 262 CMR 7.00.

(2) For each contact hour earned by participation in continuing education activities offered by Entity-Approved Sponsors, the licensee must provide documentation of the following information upon request of the Board:

(a) the title of the program;

(b) the number of program hours completed;

(c) the name of the Entity-Approved Sponsors of the program;

(d) the name of the Board-Recognized Entities approving the programs;

(e) the date of the program; and

(f) official verification of attendance at such program.

(3) The Board may audit licensees for compliance with the continuing education requirements of 262 CMR 7.00.

(4) The Board may request each licensee to provide the Board with the information described in 262 CMR 7.04(2) for two prior licensure/renewal periods.

(5) Entity-approved sponsors of continuing education activities will be expected to maintain records of the names of all program attendees and the number of hours awarded for attendance at each program for a minimum period of five years from the date of the program.

262 CMR 8.00: Ethical Codes and Standards of Conduct

- 8.01: Ethical Codes
 - 8.02: Standards of Conduct Applicable to all Allied Mental Health Practitioners Licensed by the Board of Registration of Allied Mental Health and Human Services Professions
 - 8.03: Standards of Conduct Applicable to Licensed Mental Health Counselors
 - 8.04: Standards of Conduct Applicable to Licensed Applied Behavior Analysts and Licensed Assistant Applied Behavior Analysts
-

8.01: Ethical Codes

The Board of Allied Mental Health and Human Services Professions adopts as its official guides the ethical codes and standards of conduct listed in 262 CMR 8.01(1) through (7), except as such codes deviate in any way from the provisions of 262 CMR or M.G.L. c. 112 §§ 163 through 172:

(1) For Licensed Mental Health Counselors:

(a) American Counseling Association Code of Ethics; and

(b) American Mental Health Counselors Association Code of Ethics;

(2) For Licensed Marriage and Family Therapists: Code of Ethics of the American Association for Marriage and Family Therapists;

(3) For Licensed Rehabilitation Counselors:

(a) Code of Professional Ethics for Rehabilitation Counselors of the Commission on Rehabilitation Counselor Certification; and

(b) Certification of Disability Management Specialists Commission Code of Professional Conduct;

(4) For Licensed Educational Psychologists: Principles for Professional Ethics of the National Association of School Psychologists; and

(5) For Licensed Applied Behavior Analysts and Licensed Assistant Applied Behavior Analysts: The Professional and Ethical Compliance Code for Behavior Analysts of the Behavior Analyst Certification Board.

8.02: Standards of Conduct Applicable to all Allied Mental Health Practitioners Licensed by the Board of Allied Mental Health and Human Services Professions

(1) Treatment Records.

(a) A licensee shall create and maintain a treatment record for each client which meets the standards of usual and customary practice.

(b) The licensee must maintain a client's treatment record for a minimum period of seven years from the date of the client's last professional contact with the licensee and in a manner which permits the former client or a successor licensee access to the record within the terms of 262 CMR. In the event that the client is a minor, the licensee must maintain the client's record for at least one year after the client has reached the age of majority as defined in M.G.L. c. 4, § 7, but in no event shall the record be retained for less than seven years.

(c) Upon commencing services, licensees shall notify clients in writing that treatment records will be maintained and the manner in which clients or authorized representatives may inspect treatment records. Licensees shall adhere to the following practices:

1. upon written request and within a reasonable period of time, licensees shall provide the client or authorized representative of the client a copy of such client's treatment record, pursuant to M.G.L. c. 112, § 12CC;

2. licensees may decline to permit a client or the client's authorized representative to inspect or obtain a copy of his or her treatment record if the licensee, in the reasonable exercise of his or her professional judgment, believes that allowing that client or the client's authorized representative to inspect or copy his or her treatment record would adversely affect the physical or mental well-being of that client; and

3. if a licensee declines to provide a copy of a client's treatment record to that client or the client's authorized representative pursuant to 262 CMR 8.02(c)(ii), the licensee shall provide that client with a treatment summary in lieu of the full treatment record. If after receiving the treatment summary the client continues to request a copy of the full treatment record, the

licensee shall provide a copy of the full treatment record to either an attorney designated by the client or a psychotherapist, as defined in M.G.L. c. 112, § 12CC designated by that client.

(d) A licensee may not require payment of any balance due for prior professional services rendered to the client as a pre-condition for making the treatment records available. A licensee may charge a reasonable fee for copying of treatment records and postage where applicable.

(e) Licensees shall protect confidentiality, in accordance with applicable regulations and laws, in the creation, maintenance, storage, transfer and disposal of client records and in the event of withdrawal from practice or death of the licensee.

(f) Licensees shall comply with all state and federal laws regarding the creation, maintenance, storage, transfer, and disposal of treatment records.

(2) Client Relationships. In matters pertaining to boundaries or to dual, personal or sexual relationships, a licensee's relationship with a client shall be presumed to extend to a minimum of five years from the date of the rendering of the last professional service within the definitions of the licensee's practice pursuant to M.G.L. c. 112, § 163. Licensees shall engage in relationships that maintain appropriate boundaries, avoid dual relationship, and uphold the following standards:

(a) licensees shall not knowingly accept as clients, individuals or family members of individuals with whom the licensee has a familial, romantic, social, supervisory or professional relationship;

(b) licensees shall not engage in romantic or sexual relationships or behaviors with clients, family members of their clients, or partners of their clients;

(c) licensees shall refrain from entering into or promising a personal, professional, financial, or other relationship with any client, family members of their client, or partners of their client, provided however that this section shall not prohibit a licensee from having a future professional relationship with an agency under which the client is served; and

(d) when working with multiple clients, licensees shall respect individual client rights and maintain objectivity. When a licensee agrees to provide services to two or more persons who have a relationship with each other the licensee shall disclose in writing upon commencing services the nature of the relationship the licensee will have with each person. Should conflicting roles arise, the licensee shall identify and document adjustments in roles and make referrals as necessary.

(3) Confidential Communications.

(a) Except as otherwise provided by law, all communications, including electronic communications, between any licensee and the client(s) to whom the licensee has rendered professional services shall be deemed to be treated as confidential information in perpetuity.

(b) For purposes of supervision or consultation regarding the licensee's work with a client, information which is acquired by a licensee pursuant to the professional practice, whether directly or indirectly, may be disclosed, to another appropriate licensee as part of a consultation which is designed to enhance the services provided to a client or clients.

(c) Licensees must, in their statements of confidentiality and informed consent to clients, inform clients that the licensee may seek supervision or consultation. In disclosing client information, licensees shall use their best efforts to safeguard the client's privacy by not disclosing the client's name or other identifying demographic information, or any other information by which the client might be identified by the consultant.

(4) Fees and Billing. All licensees shall bill accurately and truthfully, consistent with law, and shall not misrepresent their fees. Licensees shall not bill for services that were not provided.

(5) Compliance with Other Laws. All licensees shall comply with applicable state and federal law governing their respective practice as an Allied Mental Health and Human Services Professional, including M.G.L. c. 119, § 51A.

8.03: Standards of Conduct Applicable to Licensed Mental Health Counselors

(1) Licensed Mental Health Counselor treatment records shall include, but not be limited to, at a minimum:

- (a) a signed informed consent document;
- (b) an intake summary;
- (c) an assessment or diagnosis;
- (d) a treatment plan;
- (e) dates and progress notes for each treatment session;
- (f) communications with collateral entities;

- (g) communications with clients relating to treatment, including electronic communications; and
- (h) a termination summary.

(2) Licensed Mental Health Counselors must inform clients, in writing, of policies regarding confidentiality of information and the legal limits and exceptions to confidentiality. Licensed Mental Health Counselors shall not communicate either verbally or in writing with others about a client without the client's express written consent, including any legal proceedings, except when the limits of confidentiality may legally be invoked, such as, but not limited to, cases of potential harm to the client or significant or deadly harm to others by the client, and legal proceedings under M.G.L. c. 112, § 172(a). Licensed Mental Health Counselors shall ensure the accuracy of client information shared with other parties, including any third party payers.

(3) Informed Consent and Performance of Services without Consent.

(a) A Licensed Mental Health Counselor shall not perform nor attempt to perform any mental health services or function without the written and signed informed consent of the client or prospective client who is to receive that service or function.

(b) Where the client or prospective client who is to receive the mental health counseling service is not mentally competent to give legally valid consent for the performance or provision of that service or function, the Licensed Mental Health Counselor shall not perform nor attempt to perform that service or function without the prior written consent of an individual who is legally authorized to give consent on behalf of that client or prospective client, or of a guardian appointed by a court of competent jurisdiction to act on behalf of that client or prospective client.

(c) Where the client or prospective client who is to receive the mental health service or function is a minor, the LMHC shall make and document reasonable attempts to obtain informed consent from both parents when custody is held jointly, or from the minor's legal guardian(s) unless the minor:

1. is emancipated by court petition and decree;
2. is married, widowed or divorced;
3. is a parent of a child himself or herself;
4. is a member of any of the armed forces of the United States of America;
5. is living separate and apart from his or her parent(s) or legal guardian and is managing his or her own financial affairs;
6. reasonably believes that he or she is suffering from, or has come in contact with, a disease

defined as dangerous to the public health pursuant to M.G.L. c. 111, s. 6, and the service(s) or function(s) to be performed pertain to the diagnosis or treatment of that disease;

7. will be served by not notifying his or her parent(s) or legal guardian of the performance of the proposed service(s) or function(s), and the Licensed Mental Health Counselor reasonably believes and documents in the treatment record that the minor fully understands the nature of the proposed service(s) or function(s) and the risks and benefits of those service(s) or function(s); or

8. would suffer a detrimental effect as a result of contact with one or more of the custodial parents. Such clinical opinion shall be documented in the treatment record.

(d) Licensed Mental Health Counselors shall not knowingly withhold any information that would inhibit a client or prospective client from making an informed choice when selecting a provider of mental health services.

(e) Written and signed Informed consent shall include but is not limited to:

1. the Licensed Mental Health Counselor's credentials;
2. a statement regarding Confidentiality and its limits;
3. information regarding the use of tests and inventories;
4. information regarding accurate and appropriate billing procedures;
5. an explanation of services provided and of the risks and benefits of counseling services, including an explanation of the risks and benefits of engaging in the use of distance counseling, technology, and / or social media within the counseling process; and
6. a client bill of rights which includes but is not limited to information concerning informed consent, the licensee's grievance process, client respect, and the client's right to terminate treatment;

(4) Supervision.

(a) In providing supervision services to graduate students, post-graduate individuals seeking licensure, and other clinicians, Licensed Mental Health Counselors shall:

1. have an informed consent agreement with the supervisee, including an agreement for supervision that includes rights and responsibilities of both supervisor and supervisee;
2. have a process for resolving differences;

3. keep accurate and appropriate records of the supervision sessions;
4. have a responsibility to know the current CMR 262 Regulations governing licensure as a Licensed Mental Health Counselor;
5. regularly attend continuing education and participate in activities regarding topics and skills for both counseling and supervision;
6. maintain appropriate boundaries with supervisees;
7. make supervisees aware of professional and ethical standards and legal responsibilities of licensure; and
8. address the role of multiculturalism and diversity in the supervisory relationship.

(b) In addition, Licensed Mental Health Counselors providing supervision as an Approved Supervisor to graduate students or post-graduate individuals seeking licensure, shall:

1. understand and accept their responsibilities to monitor the welfare of clients treated by their supervisees;
2. provide supervisees with ongoing performance appraisal and evaluation feedback, as well as formal evaluations; and
3. refrain from endorsing supervisees who fail to meet professional standards of practice.

(5) Termination, Absences and Referral.

(a) Licensed Mental Health Counselors shall not abandon or neglect their clients in counseling.

(b) Licensed Mental Health Counselors shall make appropriate arrangements for any necessary treatment of their client if the Licensed Mental Health Counselor is on vacation or is ill for an extended period of time.

(c) Licensed Mental Health Counselors shall make arrangements for emergency backup to cover expected and unexpected absences;

(d) Licensed Mental Health Counselors shall make reasonable efforts to assess treatment goals and outcomes with the client and terminate a relationship when it is reasonably clear that the treatment no longer serves the needs of the client;

(e) Licensed Mental Health Counselors may terminate counseling when:

1. he or she reasonably believes to be in jeopardy of harm by the client or by another person with whom the client has a relationship;

2. the client does not pay the fees charged; or

3. insurance denies such treatment and the Licensed Mental Health Counselor recommends other service providers.

(f) When transferring or referring clients to other practitioners, Licensed Mental Health Counselors shall ensure and document that appropriate clinical and administrative processes are completed for an appropriate transition.

(6) Professional Responsibilities and Conduct.

(a) Licensed Mental Health Counselors shall provide services within the scope of practice for the profession and within the bounds of their particular competencies and the limitations of their expertise. When practicing new specialty areas, Licensed Mental Health Counselors shall obtain proper education, training, or supervision.

(b) Licensed Mental Health Counselors shall obtain consultation and supervision when needed as clinically indicated, including but not limited to when practicing outside of an area of expertise or when treating at-risk clients.

(c) Licensed Mental Health Counselors shall not practice if they are impaired and unable to practice competently. Licensed Mental Health Counselors shall seek professional assistance to

determine whether to limit, suspend or terminate their professional responsibilities until such time as it is determined that they may safely resume their work.

8.04: Standards of Conduct Applicable to Licensed Applied Behavior Analysts and Licensed Assistant Applied Behavior Analysts

(1) Licensed applied behavior analysts and licensed assistant applied behavior analysts may engage only in evidence-based practice. For purposes of this section, the term “evidence-based practice” shall mean the integration of best peer-reviewed research evidence with clinical expertise and patient characteristics.

(2) Licensed applied behavior analysts and licensed assistant applied behavior analysts may provide behavioral diagnostic, therapeutic, teaching, research, supervisory, consultative, or other behavior analytic service delivery only in the context of a defined remunerated professional role. Provided, however, that this section shall not prohibit the provision of pro-bono services when performed in the context of a defined professional role.

(3) Licensed applied behavior analysts and licensed assistant applied behavior analysts shall not abandon clients but may terminate a professional relationship when it becomes reasonably clear that the client no longer needs the service, is not benefiting, or is being harmed by continued service. Licensed applied behavior analysts and assistant applied behavior analysts may terminate a professional relationship with a client where a conflict arises which the licensee cannot resolve or where the client or responsible payer(s) fails to pay for services or determines services are no longer eligible for coverage.

(4) Prior to termination for whatever reason, except where precluded by the client’s conduct or where the client or responsible payer(s) fails to pay for services or determines services are no longer eligible for coverage, licensed applied behavior analysts and licensed assistant applied behavior analysts shall provide clients with 30 days written notice of the termination, discuss the client’s views and needs, provide appropriate pre-termination services, suggest alternative service providers as appropriate, or take other reasonable steps to facilitate transfer of responsibility to another provider if the client needs one immediately. Licensed applied behavior analysts and licensed assistant applied behavior analysts shall document all steps taken during termination.

(5) Supervision Requirements.

(a) Licensed assistant applied behavior analysts shall:

1. when engaged in the practice of applied behavior analysis, receive a minimum of one hour per month of individual face-to-face supervision in the treatment setting from a licensed applied behavior analyst, or a physician or psychologist approved by the Board in accordance with M.G.L. c. 112, § 163;

2. prior to providing treatment, obtain approval from a licensed applied behavior analyst, or a physician or psychologist approved by the Board in accordance with M.G.L. c. 112, § 163, for all treatment plans; and

3. on a form acceptable to the Board, maintain documentation of their supervision.

(b) When acting as a supervisor of licensed assistant applied behavior analysts, licensed applied behavior analysts shall:

1. provide the licensed assistant applied behavior analyst with the type, frequency, and duration of supervision that is consistent with the needs of the client and that is consistent with acceptable clinical standards and any state or federal law and includes a minimum of one hour per month of individual face-to-face supervision in the treatment setting;

2. approve treatment plans used by the assistant applied behavior analyst;

3. be professionally responsible for the clinical oversight of all clients receiving services from the licensed assistant applied behavior analyst; and

4. On a form acceptable to the Board, maintain documentation of supervision.

(c) When acting as a supervisor of any non-licensed paraprofessionals, licensed applied behavior analysts shall:

1. if the employer of the paraprofessional, conduct a criminal offender record information check prior to hiring;

2. be professionally responsible for the clinical oversight of all clients receiving services from the paraprofessionals;

3. provide the paraprofessional with the type, frequency, and duration of supervision that is consistent with the needs of the client and that is consistent with acceptable clinical standards and any state or federal law; and

4. on a form acceptable to the Board, maintain documentation of supervision.

(d) For purposes of 262 CMR 8.04(5), documentation of supervision shall include but is not limited to:

1. the date of each supervisory meeting;

2. the duration of each supervisory meeting;

3. the format of each supervisory meeting;

4. an evaluation of supervisee performance by the supervisor;

5. the total experience hours obtained during the supervision;

6. the total individual and small-group supervision hours obtained during the supervision; and
7. the signature for supervisor and supervisee.

(6) Where the demands of a public agency or school district with which a licensed applied behavior analyst or licensed assistant applied behavior analyst is contracted conflict with 262 CMR 8.04(1) or 262 CMR 8.04(5)(a)(1), (b)(1), (c)(2) or (c)(3), the licensed applied behavior analyst or licensed assistant applied behavior analyst shall seek to resolve the workplace conflict in a way that permits adherence to the regulations and shall document such efforts.

262 CMR 9.00: License Renewal Procedures

9.01: Procedures For Renewal of a Lapsed/Expired License

(1) A license which has lapsed for one renewal cycle or less may be reinstated upon:

- (a) payment of the back license fee, a late fee and the current license fee;
- (b) presentation of evidence satisfactory to the Board of having completed all required continuing professional education credits, as provided in 262 CMR 7.00; and
- (c) completion of any other Board requirements.

(2) A license which has lapsed for more than one renewal cycle may be reinstated upon:

(a) If practicing in Massachusetts during the period the license was expired:

- 1. payment of all back license fees, a late fee and the current license fee;
- 2. presentation of evidence, satisfactory to the Board, of having completed all required continuing education credits, as provided in 262 CMR 7.00; and
- 3. completion of any other Board requirements, including re-examination and acknowledgement of practice during the period the license was expired.

(b) If not practicing during the period the license was expired:

- 1. payment of the current license renewal fee and a late fee;
- 2. presentation of evidence, satisfactory to the Board of having completed all required continuing professional education credits, as provided in 262 CMR 7.00;
- 3. completion of any other Board requirements, including re-examination; and
- 4. submission of an affidavit signed under the pains and penalties of perjury that the individual has not been practicing during the period the license was expired.

(c) If practicing in another state during the period the Massachusetts license was expired:

- 1. payment of the current license renewal fee and a late fee;
- 2. submission of an official record of good standing or certified statement from other licensing authority indicating the license is in good standing in the state of current licensure; and

3. presentation of evidence, satisfactory to the Board, of having completed all required continuing professional education credits, as provided in 262 CMR 7.00.

(3) Notwithstanding the provisions of 262 CMR 9.01, the Board may refer cases of unlicensed practice to appropriate law enforcement authorities for prosecution.

262 CMR 10.00:	Requirements for Licensure as an Applied Behavior Analyst and Assistant Applied Behavior Analyst
10.01:	<u>Preface</u>
10.02:	<u>Definitions</u>
10.03:	<u>Applied Behavior Analyst Application and Licensure</u>
10.04:	<u>Assistant Applied Behavior Analyst Application and Licensure</u>

10.01: Preface

To qualify for licensure as an applied behavior analyst or assistant applied behavior analyst, pursuant to the requirements of M.G.L. c. 112, § 165, an applicant must provide evidence satisfactory to the Board that the education and experience requirements under 262 CMR 10.00 have been met by the applicant.

All licensed applied behavior analysts and licensed assistant applied behavior analysts are charged with having knowledge of 262 CMR and are required to practice applied behavior analysis in accordance with its provisions.

10.02: Definitions

For the purpose of 262 CMR 10.01 through 10.04, the following terms shall have the following meanings. No attempt is made to define ordinary words that are used in accordance with their established dictionary meaning except where it is necessary to define their meaning to avoid misunderstanding. Definitions in M.G.L. c. 112, § 163 are not repeated here unless further clarity is required.

BACB. The Behavior Analyst Certification Board, a private non-profit organization based in Littleton, Colorado.

Bachelor's Degree Program. A bachelor program at a Recognized Educational Institution which includes a minimum of nine credit hours of instruction specifically in behavior analysis or a bachelor degree program with the successful completion of a board-approved course sequence or course work which otherwise meets professional standards, as determined by the board.

BCaBA. A Board Certified Assistant Behavior Analyst certified by the BACB.

BCBA. A Board Certified Behavior Analyst certified by the BACB.

Board. The Board of Registration of Allied Mental Health and Human Services Professions established under M.G.L. c. 13, § 88.

Doctoral Degree Program. A doctoral program at a Recognized Educational Institution which includes a minimum of 60 graduate credit hours in courses related to the study of behavior analysis.

Master's Degree Program. A master's program at a Recognized Educational Institution which includes a minimum of 30 graduate credit hours in courses related to the study of behavior analysis.

Practicum. A distinctly defined, supervised clinical experience, providing for the development of applied behavior analysis skills under supervision. A Practicum may take place on the academic campus or in a field setting.

Recognized Educational Institution. An educational institution that is accredited by an organization or entity which has been recognized by the United States Department of Education, or any like institution approved by the Board, as an appropriate accrediting body for the degree program in question, or an institution outside of the United States if in the discretion of the Board the foreign institution's academic program is substantially equivalent to that provided at an educational institution accredited by an organization or entity which has been recognized the United States Department of Education or the Board.

Supervised Experience. Applied behavior analysis services rendered under the supervision of a supervisor for the purposes of enabling the supervisee to enhance applied behavior analysis skills and integrate professional knowledge and skills appropriate to the supervisee's initial professional placement.

Supervised Independent Fieldwork. Supervised Experience, not for course credit, commencing upon or after participation in courses required to meet the applied behavior analysis licensure coursework requirements as an applied behavior analyst or assistant applied behavior analyst under 262 CMR 10.03(3) or 262 CMR 10.04(3), respectively.

10.03: Applied Behavior Analyst Application and Licensure

(1) Application.

- (a) Application for licensure must be made in the manner prescribed by the Board and/or on forms furnished by the Board.
- (b) No application shall be reviewed by the Board unless said application is made on forms which are furnished by the Board, and unless said application is completely and properly filled out in the manner prescribed by the Board, signed under the penalties of perjury, and accompanied by the prescribed application fee and such other information that the Board may require.

(2) Licensure as an applied behavioral analyst. Pursuant to M.G.L. c. 112, § 165, in order to be licensed as an applied behavior analyst, an applicant for original license must demonstrate that he or she:

- (a) is of good moral character;
- (b) has not engaged or is not engaging in any practice or conduct which would be grounds for refusing to issue a license under M.G.L. 112, § 169;
- (c) has successfully completed a Doctoral Degree Program or Master's Degree Program which meets the requirements under 262 CMR 10.03(3) or holds a doctoral or masters degree in another field of human services and meets the requirements under 262 CMR 10.03(4);
- (d) has successfully completed a Practicum or Supervised Experience in the practice of behavior analysis which meets the requirements under 262 CMR 10.03(5); and
- (e) has successfully completed the Board-approved examination(s).

(3) Acceptability of Doctoral and Master's Degree Programs.

(a) The Board will accept the following Doctoral Degree Programs:

1. For applicants who received their degree prior to January 1, 2015, a Doctoral Degree Program as defined under 262 CMR 10.02 which includes 60 graduate credit hours in the following content areas and for the number of graduate credit hours specified:
 - (i) one graduate credit hour of ethical considerations;
 - (ii) three graduate credit hours of definition and characteristics and principles, processes, and concepts;
 - (iii) two graduate credit hours of behavioral assessment and selecting intervention outcomes and strategies;
 - (iv) one graduate credit hour of evaluation of interventions;
 - (v) one graduate credit hour of measurement of behavior and displaying and interpreting behavior data;
 - (vi) three graduate credit hours of behavioral change procedures and systems support; and
 - (vii) 49 graduate credit hours of discretionary coursework related to the study of applied behavior analysis acceptable to the Board.

2. For applicants who received their degree on or after January 1, 2015, a Doctoral Degree Program as defined under 262 CMR 10.02 which includes 60 graduate credit hours in the following content areas and for the number of graduate credit hours specified:
 - (i) three graduate credit hours of ethical and professional conduct;
 - (ii) three graduate credit hours of concepts and principles of behavior analysis;
 - (iii) three graduate credit hours of research methods in behavior analysis;
 - (iv) seven graduate credit hours of applied behavior analysis including:
 - (1) three graduate credit hours of fundamental elements of behavior change and specific behavior change procedures;
 - (2) two graduate credit hours of Identification of the problem and assessment;
 - (3) two graduate credit hours consisting of intervention and behavior change considerations, behavior change systems, and implementation, management and supervision; and
 - (v) 44 graduate credit hours of discretionary coursework related to the study of applied behavior analysis acceptable to the Board.

(b) The Board will accept the following Master's Degree Programs:

1. For applicants who received their degree prior to January 1, 2015, a Master's Degree Program as defined under 262 CMR 10.02 which includes 30 graduate credit hours in the following content areas and for the number of graduate credit hours specified:
 - (i) one graduate credit hour of ethical considerations;
 - (ii) three graduate credit hours of definition and characteristics and principles, processes, and concepts;
 - (iii) two graduate credit hours of behavioral assessment and selecting intervention outcomes and strategies;
 - (iv) one graduate credit hour of evaluation of interventions;

- (v) one graduate credit hour of measurement of behavior and displaying and interpreting behavior data;
 - (vi) three graduate credit hours of behavioral change procedures and systems support; and
 - (vii) 19 graduate credit hours of discretionary coursework related to the study of applied behavior analysis acceptable to the Board.
2. For applicants who received their degree on or after to January 1, 2015, a Master's Degree Program as defined under 262 CMR 10.02 which includes 30 graduate credit hours in the following content areas and for the number of graduate credit hours specified:
- (i) three graduate credit hours of ethical and professional conduct
 - (ii) three graduate credit hours of concepts and principles of behavior Analysis;
 - (iii) three graduate credit hours of research methods in behavior analysis;
 - (iv) seven graduate credit hours of applied behavior analysis including:
 - (1) three graduate credit hours of fundamental elements of behavior change and specific behavior change procedures;
 - (2) two graduate credit hours of identification of the problem and assessment;
 - (3) two graduate credit hours consisting of intervention and behavior change considerations, behavior change systems, and implementation, management and supervision; and
 - (v) 14 graduate credit hours of discretionary coursework related to the study of behavior analysis acceptable to the Board.
- (4) Acceptability of doctoral or master's degree in another field of human services.
- (a) For applicants with a doctoral degree that does not meet the requirements of a Doctoral Degree Program under 262 CMR 10.03(3), the Board will accept applicants who can demonstrate the successful completion of:
- 1. a doctoral degree in another field of human services; and
 - 2. the successful completion of a board-approved certificate program in behavior analysis with an approved course sequence formally approved by the Board.

(b) For applicants with a master's degree that does not meet the requirements of a Master's Degree Program under 262 CMR 10.03(3), the Board will accept applicants who can demonstrate the successful completion of:

1. a master's degree in another field of human services; and
2. the successful completion of a board-approved certificate program in behavior analysis with an approved course sequence formally approved by the Board.

(5) Acceptability of Practicum and Supervised Experience.

(a) The Board will accept as satisfying the requirements of 262 CMR 10.03(2)(d), the successful completion of one or a combination of one or more of the following experience categories:

1. Independent Fieldwork; Supervisees must:

- (i) complete 1500 hours of independent fieldwork in behavior analysis, at least 75 hours of which must be supervised;
- (ii) accrue no fewer than ten hours but no more than 30 hours per week of independent fieldwork experience; and
- (iii) be supervised at least once during two week periods for no less than 5% of the total hours spent in independent fieldwork experience during each two week period.

2. Practicum; Supervisees must:

- (i) complete, with a passing grade, 1000 hours of Practicum experience in behavior analysis within a Recognized Educational Institution Practicum program taken for graduate academic credit, at least 75 hours of which must be supervised;
- (ii) accrue no fewer than ten hours but no more than 30 hours per week of Practicum experience; and
- (iii) be supervised at least once during each week for no less than 7.5% of the total hours spent in Practicum for each week.

3. Intensive Practicum; Supervisees must:

- (i) complete, with a passing grade, 750 hours of intensive Practicum experience in behavior analysis within a Recognized Educational Institution Practicum program taken for graduate academic credit, at least

75 hours of which must be supervised;

- (ii) accrue no fewer than ten hours but no more than 30 hours per week of intensive Practicum experience; and
- (iii) be supervised at least once during each week for no less than 10% of the total hours spent in intensive Practicum for each week.

(b) Combined Experience. Supervisees may elect to combine any of the three experience categories listed under 262 CMR 10.03(5)(a).

(c) Supervisees may accrue experience in only one of the three experience categories at a time.

(d) Supervisees may not begin accumulating Supervised Independent Fieldwork, Practicum, or Intensive Practicum hours until they have started attending courses required to meet the applied behavior analysis licensure coursework requirements.

(e) Supervision received in Massachusetts:

1. prior to January 1, 2015 must be provided by a licensed applied behavior analyst or BCBA;
2. after January 1, 2015 but prior to January 1, 2018 must be provided by a licensed applied behavior analyst or a BCBA qualified to supervise by the BACB; and
3. after January 1, 2018 must be provided only by a licensed applied behavior analyst who is qualified to supervise by the BACB.

(f) Supervision received outside of Massachusetts:

1. prior to January 1, 2015 must be provided by an applied behavior analyst licensed in the state where the supervision occurs or, if the state does not provide licensure for applied behavior analysts, a BCBA; and
2. after January 1, 2015 must be provided by an applied behavior analyst licensed in the state where the supervision occurs or, if the state does not provide licensure for applied behavior analysts, a BCBA qualified to supervise by the BACB.

(g) The supervisor may not be related to, subordinate to, or employed by the supervisee during the Supervised Experience period. Provided however that this provision shall not prohibit compensation paid to the supervisor from the supervisee for supervision services.

(6) Notwithstanding 262 CMR 10.03(2), applicants for licensure as an applied behavior analyst whose applications are received prior to June 5, 2017 as provided for by Chapter

429 of the Acts of 2012, may qualify for licensure if the applicant is of good moral character and:

- (a) is a BCBA; or
- (b) completed a Doctoral Degree Program as defined under 262 CMR 10.02; or
- (c) completed a Master's Degree Program as defined under 262 CMR 10.02; or
- (d) completed a masters or doctoral degree in another field of human services and has successfully completed a certificate program in behavior analysis from a recognized educational institution, and can demonstrate that the applicant has practiced as an applied behavior analyst full-time or equivalent part-time for a minimum of five years.

(7) Licensure by Reciprocal Recognition. The Board, upon receipt of the required fee, as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B, and a completed application on a form provided by the Board, may issue a license without examination and by reciprocal recognition to any person who holds a license, certification or registration as an applied behavior analyst, or the equivalent thereof as determined by the Board, issued by another state or jurisdiction, provided that the applicant is of good moral character and:

- (a) the requirements and standards for that license, certificate or registration are substantially equivalent to or exceeds the standards of the Commonwealth as determined by the Board; and
- (b) the applicant holds a current license in good standing with the licensing authority from the other state or jurisdiction.

10.04: Assistant Applied Behavior Analyst Application and Licensure

(1) Application.

- (a) Application for licensure shall be made in the manner prescribed by the Board and on forms approved by the Board.
- (b) No application shall be reviewed by the Board unless said application is made on forms which are approved by the Board, and unless said application is completely and properly filled out in the manner prescribed by the Board, signed under the penalties of perjury, and accompanied by the prescribed application fee and such other information that the Board may require.

(2) Licensure as an assistant applied behavior analyst. Pursuant to M.G.L. c. 112, § 165, in order to be licensed as an assistant applied behavior analyst, an applicant for original license must demonstrate that he or she:

- (a) is of good moral character;
- (b) has not engaged or is not engaging in any practice or conduct which would be grounds for refusing to issue a license under M.G.L. 112, § 169;
- (c) has successfully completed a bachelor's degree program which meets the requirements under 262 CMR 10.04(3);
- (d) has successfully completed a Practicum or Supervised Experience in the practice of behavior analysis; and
- (e) has successfully completed the Board-approved examination(s).

(3) Acceptability of Bachelor's Degree Program.

(a) The Board will accept the following Bachelor's Degree Programs:

1. a Bachelor's Degree Program as defined under 262 CMR 10.02 which includes a minimum of nine credit hours in the following content areas and for the number of credit hours specified:

- (i) one half of a credit hour of ethical considerations;
- (ii) two credit hours of definition and characteristics and principles, processes, and concepts;
- (iii) one credit hour of behavioral assessment and selecting intervention outcomes and strategies;
- (iv) one credit hour of experimental evaluation of interventions, and measurement of behavior and displaying and interpreting behavioral data;
- (v) two credit hours of behavioral change procedures and systems support; and
- (vi) two credit hours discretionary coursework related to the study of behavior analysis.

2. a Bachelor's Degree Program as defined under 262 CMR 10.02 which includes a minimum of 12 credit hours of instruction in the following content areas and for the number of credit hours specified:

- (i) one credit hour in ethical and professional conduct;
- (ii) three credit hours in concepts and principles of behavior analysis;
- (iii) one credit hour in research methods in behavior analysis;
- (iv) seven credit hours in applied behavior analysis which includes:
 - 1. three credit hours in fundamental elements of behavior change & specific behavior change procedures;
 - 2. two credit hours in identification of the problem and assessment;
 - 3. one credit hour consisting of intervention & behavior change considerations, behavior change systems, and implementation, management and supervision; and

(4) Acceptability of Practicum and Supervised Experience.

- (a) The Board will accept as satisfying the requirements of 262 CMR 10.04(2)(d), the successful completion of one or a combination of one or more of the following experience categories when completed following enrollment and commencement of coursework in a bachelor's degree program:

1. Independent Fieldwork; Supervisees must:

- (i) complete 1000 hours of independent fieldwork in behavior analysis, at least 50 hours of which must be supervised;
- (ii) accrue no fewer than ten hours but no more than 30 hours per week of independent fieldwork experience; and
- (iii) be supervised at least once during two week periods for no less than 5% of the total hours spent in independent fieldwork experience during each two week period.

2. Practicum; Supervisees must:

- (i) complete, with a passing grade, 670 hours of Practicum experience in behavior analysis within a Recognized Educational Institution Practicum program taken for graduate academic credit, at least 50 hours of which must be supervised;

(ii) accrue no fewer than ten hours but no more than 30 hours per week of Practicum experience; and

(iii) be supervised at least once during each week for no less than 7.5% of the total hours spent in Practicum for each week.

3. Intensive Practicum; Supervisees must:

(i) complete, with a passing grade, 500 hours of intensive Practicum experience in behavior analysis within a Recognized Educational Institution Practicum program taken for graduate academic credit, at least 50 hours of which must be supervised;

(ii) accrue no fewer than ten hours but no more than 30 hours per week of intensive Practicum experience; and

(iii) be supervised at least once during each week for no less than 10% of the total hours spent in intensive Practicum for each week.

(b) Combined Experience. Supervisees may elect to combine any of the three experience categories listed under 262 CMR 10.04(4)(a).

(c) Supervisees may accrue experience in only one of three experience categories at a time.

(d) Supervisees may not begin accumulating Supervised Independent Fieldwork, Practicum, or intensive Practicum hours until they have started attending courses required to meet the assistant applied behavior analysis licensure coursework requirements.

(e) Supervision received in Massachusetts:

1. prior to January 1, 2015 must be provided by a licensed applied behavior analyst or BCBA;

2. after January 1, 2015 but prior to January 1, 2018 must be provided by a licensed applied behavior analyst or a BCBA qualified to supervise by the BACB; and

3. after January 1, 2018 must be provided only by a licensed applied behavior analyst who is qualified to supervise by the BACB.

(f) Supervision received outside of Massachusetts:

1. prior to January 1, 2015 must be provided by an applied behavior analyst licensed in the state where the supervision occurs or, if the state does not provide licensure for applied behavior analysts, a BCBA; and

2. after January 1, 2015 must be provided by an applied behavior analyst licensed in the state where the supervision occurs or, if the state does not provide licensure for applied behavior analysts, a BCBA who is qualified to supervise by the BACB.

(d) The supervisor may not be related to, subordinate to, or employed by the supervisee during the Supervised Experience period. Provided however that this provision shall not prohibit compensation paid to the supervisor from the supervisee for supervision services.

(5) Notwithstanding 262 CMR 10.04(2), applicants for licensure as an assistant applied behavior analyst whose applications are received prior to June 5, 2017 as provided for by Chapter 429 of the Acts of 2012 may qualify for licensure if the applicant is of good moral character and a BCaBA.

(6) Licensure by Reciprocal Recognition. The Board, upon receipt of the required fee and a completed application on a form provided by the Board, may issue a license without examination and by reciprocal recognition to any person who holds a license, certification or registration as an assistant applied behavior analyst, or the equivalent thereof as determined by the Board, issued by another state or jurisdiction, provided that the applicant is of good moral character and:

(a) the requirements and standards for that license, certificate or registration are substantially equivalent to or exceed the standards of the Commonwealth as determined by the Board; and

(b) the applicant holds a current license in good standing with the licensing authority from the other state or jurisdiction.