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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3367**

02/17/2020 Authored by Gomez; Xiong, J., and Cantrell
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; requiring notice from a mental health practitioner or mental
1.3 health professional before beginning applied behavioral analysis therapy; proposing
1.4 coding for new law in Minnesota Statutes, chapters 127A; 214.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[127A.20] NOTICE REQUIRED BEFORE INITIATING APPLIED**
1.7 **BEHAVIORAL ANALYSIS THERAPY.**

1.8 For schools developing and providing mental health services to address students' mental
1.9 health needs, the school mental health practitioner or mental health professional must follow
1.10 the requirements in section 214.078 before initiating applied behavioral analysis therapy
1.11 for a student on the autism spectrum.

1.12 Sec. 2. **[214.078] NOTICE REQUIRED BEFORE INITIATING APPLIED**
1.13 **BEHAVIORAL ANALYSIS THERAPY.**

1.14 Subdivision 1. **Definition.** "Applied behavioral analysis therapy" or "ABA therapy"
1.15 means practice by a mental health practitioner or mental health professional as defined in
1.16 section 245.462 that seeks to modify behavior for a child on the autism spectrum by focusing
1.17 on improving specific behaviors that include social skills, communication, reading, and
1.18 academics as well as adaptive learning skills that include fine motor dexterity, hygiene,
1.19 grooming, domestic skills, and competence.

1.20 Subd. 2. **Notice required.** (a) A mental health practitioner or mental health professional
1.21 must provide notice to a parent of a child on the autism spectrum who is under 18 years of
1.22 age or the child's responsible adult before beginning ABA therapy. The notice must describe

2.1 the adverse effects that could occur by imposing conformity standards on a child on the
2.2 autism spectrum and the stressful impact it may have on the child.

2.3 (b) ABA therapy attempted by a mental health practitioner or mental health professional
2.4 with a child on the autism spectrum who is younger than 18 years of age shall be deemed
2.5 unprofessional conduct if the mental health practitioner or mental health professional failed
2.6 to provide the notice in paragraph (a). The mental health practitioner or mental health
2.7 professional may be subject to disciplinary action by the requisite licensing board for
2.8 dereliction of duty to warn.