CLIENT ALERTS & INSIGHTS

Colorado Enacts Comprehensive Licensing Requirements for Applied Behavior Analysis Practitioners and Clinics

JULY 28, 2026

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Featured Practices: Healthcare, Behavioral Health

Key Takeaways

- Colorado enacted the Applied Behavior Analysis Practice Act, creating new licensing requirements for ABA practitioners and certain ABA provider entities.
- ABA provider entities may need to comply with new facility licensing requirements, and Behavior Analysts and Assistant Behavior Analysts will be subject to licensure and professional liability insurance requirements.
- ABA provider entities should evaluate whether their operations meet the "day treatment facility" definition and monitor the Colorado Behavior Analyst Licensing Board's rulemaking, while Behavior Analysts and Assistant Behavior Analysts should confirm their national certification is current and review their professional liability insurance coverage.

On June 2, 2026, Colorado's governor signed House Bill 26-1425 into law, establishing the Applied Behavior Analysis Practice Act (the "Act").[1] This legislation creates a comprehensive regulatory framework for applied behavior analysis ("ABA") practitioners and provider entities in Colorado. ABA provider entities should begin preparing now for phased implementation, including individual practitioner licensure, facility licensing, professional liability insurance requirements, and Medicaid reimbursement for Registered Behavior Technicians ("RBTs").

- **Individual practitioners must obtain licensure by July 1, 2028.** Behavior Analysts and Assistant Behavior Analysts must obtain licensure from the newly created Colorado Behavior Analyst Licensing Board (the "Board") by July 1, 2028.[2] Licensure requires a current, valid certificate from an approved certifying entity (such as the Behavior Analyst Certification Board or the Qualified Applied Behavior Analysis Credentialing Board) and completion of a fingerprint-based criminal history record check. The Board may also issue a license by endorsement under the Occupational Credential Portability Program.[3]

- **Facilities meeting specific criteria face August 1, 2026 licensing deadlines.** The Act creates a new facility-level licensing requirement for ABA clinics. A facility qualifies as an "Applied Behavior Analysis Clinic" (or "day treatment facility") if it provides ABA therapy for at least four hours each business day (but less than 24 hours) and serves at least three individuals between 18 months and 21 years of age. Facilities meeting this definition must submit a licensing application to the Department of Human Services by August 1, 2026, and cannot operate without a license after August 1, 2027.
- **The Act imposes new insurance and reporting requirements.** All licensed practitioners must carry professional liability insurance (unless covered by the Colorado Governmental Immunity Act as public employees). The Board will set minimum coverage amounts. Practitioners must report any malpractice settlement to the Board within 60 days.
- **Care provided by certified RBTs is now reimbursable under Medicaid.** Colorado's Medicaid department must now reimburse ABA providers for services provided by certified RBTs to individuals with autism spectrum disorder or other specified conditions. To qualify for reimbursement, RBTs must be certified and provide services under supervision.

** With contribution from Alyse Shapaka.*

[1] HB 26-1425, adds CO Rev. Stat. § 12-247-101 through 12-247-123, The Applied Behavior Analysis Practice Act.

[2] HB 26-1425 revises CO Rev. Stat. §26-6-901, Foster Care, Kinship Foster Care, Residential, Day Treatment, and Child Placement Agency and Applied Behavior Analysis Clinic Licensing and Certification Act.

[3] CO Rev. Stat. §12-20-202(3).