

2019 Regular Session

SENATE BILL NO. 78

BY SENATORS MARTINY AND BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS. Provides relative to behavioral health services provided to students. (8/1/19)

1 AN ACT

2 To amend and reenact R.S. 17:173(B) and (C), relative to behavioral health services
3 provided to students; to provide relative to applied behavior analysis health services
4 provided to students; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:173(B) and (C) are hereby amended and reenacted to read as
7 follows:

8 §173. Behavioral health services for students

9 * * *

10 B. For purposes of this Section, the following terms shall have the following
11 meanings:

12 (1) **"Applied behavior analysis provider" shall mean a provider who is**
13 **licensed by the Louisiana Behavior Analyst Board and is in good standing to**
14 **provide applied behavior analysis services.**

15 (2) **"Applied behavior analysis services" shall include the design,**
16 **implementation, and evaluation of systematic instructional and environmental**
17 **modifications by an applied behavior analysis provider to produce socially**

1 **significant improvements in behavior.**

2 (3) "Behavioral health evaluation" shall include but not be limited to the
3 following criteria:

4 (a) Diagnosis.

5 (b) Type of intervention.

6 (c) Length of intervention.

7 (d) Identification of a student's goals.

8 (e) Identification of impact of student behavior on a student's educational
9 program.

10 **(f) Recommendations for applied behavior analysis services.**

11 (2)(4) "Behavioral health provider" shall mean a provider who is licensed by
12 the Louisiana Department of Health or a health profession licensing board and is in
13 good standing to provide behavioral health services in Louisiana including but not
14 limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in
15 school psychology, marriage and family therapist, professional counselor, clinical
16 social worker, **applied behavior analysis provider**, or a behavioral health provider
17 organization licensed to provide behavioral health services in Louisiana.

18 (3)(5) "Behavioral health services" shall include but not be limited to
19 individual psychotherapy, family psychotherapy, psychotropic medication
20 management, community psychiatric support and treatment, ~~and~~ crisis intervention,
21 **and applied behavior analysis services.**

22 (4)(6) "Evaluator" shall mean a licensed psychiatrist, psychologist, medical
23 psychologist, licensed specialist in school psychology, professional counselor,
24 marriage and family therapist, ~~or~~ clinical social worker, **or applied behavior**
25 **analysis provider** who is certified by the respective board of examiners in Louisiana
26 to provide necessary evaluations and who is not an employee of the public school
27 governing authority or the state Department of Education.

28 C. Nothing in this Section shall be construed to supersede **any of the**
29 **following:**

1 ~~(1) the~~ **The** authority of a student's Individualized Education Program team
 2 or Section 504 committee to determine appropriate services for a student pursuant
 3 to applicable federal and state law.

4 **(2) The provisions of the Behavioral Health Services Provider Licensing**
 5 **Law or any regulation promulgated by the Louisiana Department of Health**
 6 **pursuant to that law.**

7 **(3) The provisions of the Behavior Analysts Practice Act.**

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 78 Reengrossed

2019 Regular Session

Martiny

Present law provides for student behavioral health services to be provided during school hours if requested and paid by a student's parent or legal guardian.

Present law provides definitions of behavioral health services, behavioral health providers, and evaluators and includes a partial listing of services and occupations included in each definition.

Present law provides requirements for providers including liability insurance coverage, criminal background checks, and reporting of students' progress. Further requires a written treatment plan.

Present law requires each public school governing authority to develop policies for implementation of present law.

Proposed law retains present law and adds the definitions of "applied behavior analysis provider" and "applied behavior analysis services" and includes "applied behavior analysis provider" in the definition of "behavior health analysis provider" and "evaluator". Further includes "applied behavior analysis services" in the definition of "behavioral health services".

Present law provides that present law shall not supersede the authority of a student's Individualized Education Program team or Section 504 committee licensure or requirements established by federal or state law.

Proposed law retains present law and further provides that present law shall not supersede the licensure requirements for behavior health service providers as established by state law and La. Department of Health regulations.

Proposed law provides that a behavioral health evaluation shall, in addition to other components, include recommendations for applied behavior analysis services.

Effective August 1, 2019.

(Amends R.S. 17:173(B) and (C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Adds definitions and licensure requirements.
2. Includes recommendations for applied behavior analysis services as a component of a behavioral health evaluation.

Senate Floor Amendments to engrossed bill

1. Makes legislative bureau technical correction.