

2019 Regular Session

HOUSE BILL NO. 320

BY REPRESENTATIVES SIMON AND FOIL

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

HEALTH/BEHAVIORAL: Provides for access to applied behavior analysis providers in schools

1 AN ACT

2 To amend and reenact R.S. 17:173(A)(2)(introductory paragraph), (B), and (C), relative to
3 behavioral health services for students; to provide relative to applied behavior
4 analysis services provided to students when requested by parents or legal guardians;
5 to provide for definitions; to provide for related policies adopted by public school
6 governing authorities; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:173(A)(2)(introductory paragraph), (B), and (C) are hereby
9 amended and reenacted to read as follows:

10 §173. Behavioral health services for students

11 A.

12 * * *

13 (2) ~~Not later than January 1, 2019, each~~ Each public school governing
14 authority shall adopt and make available to the public a policy to implement the
15 provisions of this Section and such policy, at a minimum, shall provide that:

16 * * *

1 B. For purposes of this Section, the following terms shall have the following
2 meanings:

3 (1) "Applied behavior analysis provider" shall mean a provider who is
4 licensed, certified, or registered by the Louisiana Behavior Analyst Board and is in
5 good standing to provide applied behavior analysis services.

6 (2) "Applied behavior analysis services" shall include the design,
7 implementation, and evaluation of systematic instructional and environmental
8 modifications by an applied behavior analysis provider to produce socially
9 significant improvements in behavior as described in the Behavior Analyst Practice
10 Act.

11 ~~(1)~~(3) "Behavioral health evaluation" shall include but not be limited to the
12 following criteria:

13 (a) Diagnosis.

14 (b) Type of intervention.

15 (c) Length of intervention.

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

17 (e) Identification of impact of student behavior on a student's educational
18 program.

19 (f) Recommendations for applied behavior analysis services.

20 ~~(2)~~(4) "Behavioral health provider" shall mean a provider who is licensed by
21 the Louisiana Department of Health or a health profession licensing board and is in
22 good standing to provide behavioral health services in Louisiana including but not
23 limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in
24 school psychology, marriage and family therapist, professional counselor, clinical
25 social worker, applied behavior analysis provider, or a behavioral health provider
26 organization licensed to provide behavioral health services in Louisiana.

27 ~~(3)~~(5) "Behavioral health services" shall include but not be limited to
28 individual psychotherapy, family psychotherapy, psychotropic medication

1 management, community psychiatric support and treatment, ~~and~~ crisis intervention,
2 and applied behavior analysis services.

3 ~~(4)(6)~~ "Evaluator" shall mean a licensed psychiatrist, psychologist, medical
4 psychologist, licensed specialist in school psychology, professional counselor,
5 marriage and family therapist, ~~or clinical social worker,~~ or applied behavior analysis
6 provider who is certified by the respective board of examiners in Louisiana to
7 provide necessary evaluations and who is not an employee of the public school
8 governing authority or the state Department of Education.

9 C. Nothing in this Section shall be construed to supersede any of the
10 following:

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

14 (2) The provisions of the Behavioral Health Services Provider Licensing
15 Law or any regulation promulgated by the Louisiana Department of Health pursuant
16 to that law.

17 (3) The provisions of the Behavior Analyst Practice Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 320 Reengrossed

2019 Regular Session

Simon

Abstract: Provides for student access to applied behavior analysis providers in schools.

Present law prohibits a public school governing authority from denying student access to behavioral health service providers at school during school hours if requested by the student's parent or legal guardian. Requires such governing authorities to adopt policies to implement present law that include requirements for providers relative to liability insurance coverage, criminal background checks, compliance with students' specific education, behavior, or health plans, reporting students' progress, submission of behavioral health evaluations by parents, and other specified matters. Defines "behavioral health service provider" and other terms for purposes of present law.

Proposed law adds "applied behavior analysis providers" to present law definition of "behavioral health service provider" in order to allow access to such providers for students in school upon the parent's request.

In addition, proposed law:

- (1) Requires public school governing authorities to make their policies available to the public.
- (2) Provides that behavioral health evaluations include recommendations for applied behavior analysis services.
- (3) Provides that present law and proposed law shall not supercede present law relative to the licensing of behavioral health services providers or any regulation of the La. Dept. of Health related thereto or present law relative to the practice of behavior analysts.

Proposed law otherwise retains present law.

(Amends R.S. 17:173(A)(2)(intro. para.), (B), and (C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add to proposed law definition of "applied behavior analysis provider" a provider who is certified or registered by the La. Behavior Analyst Bd. and is in good standing to provide services.
2. Add to proposed law definition of "applied behavior analysis services" a reference to present law relative to the description of the practice of behavior analysis.