

ACT No. 117

2019 Regular Session

HOUSE BILL NO. 320

BY REPRESENTATIVES SIMON AND FOIL

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 * * *

17 B. For purposes of this Section, the following terms shall have the following
18 meanings:

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

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

9 ~~(1)~~(3) "Behavioral health evaluation" shall include but not be limited to the
10 following criteria:

11 (a) Diagnosis.

12 (b) Type of intervention.

13 (c) Length of intervention.

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

15 (e) Identification of impact of student behavior on a student's educational
16 program.

17 (f) Recommendations for applied behavior analysis services.

18 ~~(2)~~(4) "Behavioral health provider" shall mean a provider who is licensed by
19 the Louisiana Department of Health or a health profession licensing board and is in
20 good standing to provide behavioral health services in Louisiana including but not
21 limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in
22 school psychology, marriage and family therapist, professional counselor, clinical
23 social worker, applied behavior analysis provider, or a behavioral health provider
24 organization licensed to provide behavioral health services in Louisiana.

25 ~~(3)~~(5) "Behavioral health services" shall include but not be limited to
26 individual psychotherapy, family psychotherapy, psychotropic medication
27 management, community psychiatric support and treatment, ~~and~~ crisis intervention,
28 and medically necessary applied behavior analysis services.

29 ~~(4)~~(6) "Evaluator" shall mean a licensed psychiatrist, psychologist, medical
30 psychologist, licensed specialist in school psychology, professional counselor,

1 marriage and family therapist, ~~or~~ clinical social worker, or applied behavior analysis
2 provider who is certified by the respective board of examiners in Louisiana to
3 provide necessary evaluations and who is not an employee of the public school
4 governing authority or the state Department of Education.

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____