2019 Regular Session

HOUSE BILL NO. 320

BY REPRESENTATIVE SIMON

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 by the Louisiana Behavior Analyst Board and is in good standing to provide

5   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.

10   (1)(3) "Behavioral health evaluation" shall include but not be limited to the

11   following criteria:

12   (a) Diagnosis.

13   (b) Type of intervention.

14   (c) Length of intervention.

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

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

17   program.

18   (f) Recommendations for applied behavior analysis services.

19   (2)(4) "Behavioral health provider" shall mean a provider who is licensed by

20   the Louisiana Department of Health or a health profession licensing board and is in

21   good standing to provide behavioral health services in Louisiana including but not

22   limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in

23   school psychology, marriage and family therapist, professional counselor, clinical

24   social worker, applied behavior analysis provider, or a behavioral health provider

25   organization licensed to provide behavioral health services in Louisiana.

26   (3)(5) "Behavioral health services" shall include but not be limited to

27   individual psychotherapy, family psychotherapy, psychotropic medication

28   management, community psychiatric support and treatment, and crisis intervention,

29   and applied behavior analysis services.

1   (4)(6) "Evaluator" shall mean a licensed psychiatrist, psychologist, medical

2   psychologist, licensed specialist in school psychology, professional counselor,

3   marriage and family therapist, or clinical social worker, or applied behavior analysis

4   provider who is certified by the respective board of examiners in Louisiana to

5   provide necessary evaluations and who is not an employee of the public school

6   governing authority or the state Department of Education.

7   C.   Nothing in this Section shall be construed to supersede any of the

8   following:

9   (1) the The authority of a student's Individualized Education Program team

10   or Section 504 committee to determine appropriate services for a student pursuant

11   to applicable federal and state law.

12   (2) The provisions of the Behavioral Health Services Provider Licensing

13   Law or any regulation promulgated by the Louisiana Department of Health pursuant

14   to that law.

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

DIGEST

HB 320 Original   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))