

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_