

## WSR 24-05-024

## PROPOSED RULES

## DEPARTMENT OF HEALTH

[Filed February 12, 2024, 9:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-18-067.

Title of Rule and Other Identifying Information: Applied behavior analysis (ABA) clarification to licensing rules. The department of health (department) is proposing to update and clarify ABA, chapter 246-805 WAC. The department is proposing to update this chapter to clarify: Licensure requirements, supervision, examinations, educational programs, training, and continuing education (CE). This proposal would also establish reciprocity, temporary licenses, and update fees.

Hearing Location(s): On April 4, 2024, at 11:00 a.m., at the Department of Health, Town Center 2, Room 166/167, 111 Israel Road S.E., Tumwater, WA 98501; or virtually via Zoom. Register in advance for this webinar [https://us02web.zoom.us/webinar/register/WN\\_qFsDA4pXRTiwyhpXqr8Bsg](https://us02web.zoom.us/webinar/register/WN_qFsDA4pXRTiwyhpXqr8Bsg). After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: April 11, 2024.

Submit Written Comments to: Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504, email <https://fortress.wa.gov/doh/policyreview/>, fax 360-236-2901, by April 4, 2024.

Assistance for Persons with Disabilities: Contact Kendra Pitzler, phone 360-236-4723, fax 360-236-2901, TTY 711, email [kendra.pitzler@doh.wa.gov](mailto:kendra.pitzler@doh.wa.gov), by March 28, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: There are three ABA license types addressed in this rule: The licensed behavior analyst (LBA), the licensed assistant behavior analyst (LABA), and the certified behavior technician (CBT). The rules, effective in 2017, have a general rule section that applies to all professions, along with licensure sections for each license type. The department has identified issues which show the rules are not always understood by applicants and licensees, as well as the need to address a wide variety of licensure issues. After consultation with the ABA advisory committee (committee), the department decided to update and clarify definitions, licensure requirements, licensure standards, and CE requirements.

Currently, certification outside of the behavioral analyst certification board (BACB) cannot be used toward licensure in Washington because current rules reference only the BACB. The proposed rule establishes standards for all professional credentialing entities. This will allow the department to accept certifications from other professional credentialing entities while maintaining standards and protecting the public.

The current rules identify the approved examination for the LBA as the board certified behavior analyst (BCBA) examination offered by the BACB. The proposal allows any examination offered by a professional credentialing entity that meets the department's requirements. Currently, BCBA is the only examination allowed under the rules, thus all applicants need to meet BCBA requirements in order to take the examination and become licensed so the department is proposing to add the LBA requirements needed for the exam into rule.

There are three proposed sections of new rule which reflect BCBA requirements for the number of hours required in Washington. These sections include: Recognized education programs, classroom topics, and

supervision. The proposed rule would reflect industry standards, clarify department standards and protect the public.

The proposed rules update CE requirements for AIDS training and health equity.

The proposed rule also includes a temporary license and a license based on reciprocity.

Reasons Supporting Proposal: ABA licensure went into effect on July 1, 2017. After adoption of the rule, the department received questions and concerns about the strict interpretation of the WAC. After consultation with the committee, the department is taking the opportunity to clarify and update licensure for all professions licensed under chapter 246-805 WAC to clarify requirements as well as align with current best practices.

The proposal also clarifies supervision of LABAs and CBTs, creates a temporary license as allowed by RCW 18.380.080, as well as establishes a corresponding temporary license fee. Fees for duplicate licenses or license verification are reduced to align with similar department fees for other professions. The department found the need to expand and establish these additional routes to licensure, partly due to issues faced during the coronavirus disease 2019 (COVID-19) pandemic.

The proposed rules repeal the AIDS education requirement in order to align with ESHB 1551 (chapter 76, Laws of 2020), which repealed RCW 70.24.270. The repealed law required each disciplining authority to have rules that required AIDS education. Second, the proposed rules establish health equity CE requirements to comply with ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613. RCW 43.70.613 directs the department to adopt model rules for health care providers required to complete CE to complete health equity CE training at least once every four years. Model rules were adopted in WAC 246-12-800 through 246-12-830 to establish the training requirements. The proposed rules will incorporate a department interpretive statement filed as WSR 24-02-025 and requires two hours of health equity training every four years as directed in the module rules.

The proposed rules address supervision of a licensed assistant behavior analyst and certified behavior technician by a qualifying licensed professional other than an LBA, and incorporate a department interpretive statement filed as WSR 17-20-067.

Statutory Authority for Adoption: RCW 18.380.050, 18.380.110, 18.122.050, 43.70.110, and 43.70.250; ESHB 1551 (chapter 76, Laws of 2020), and ESSB 5229 (chapter 276, Laws of 2021).

Statute Being Implemented: Chapter 18.380 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kendra Pitzler, 111 Israel Road S.E., Tumwater, WA 98504, 360-236-4723.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: RCW 19.85.025(4) exempts rules where the department is able to demonstrate that the proposed rule does not affect small businesses. Proposed rules are for health profession [professionals] and do not impact businesses.

Scope of exemption for rule proposal:

Is fully exempt.

February 12, 2024  
 Kristin Peterson, JD  
 Chief of Policy  
 for Umair A. Shah, MD, MPH  
 Secretary

## OTS-5141.1

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly states otherwise:

(1) "ABA" means applied behavior analysis.

~~(2) ("Behavior Analyst Certification Board" or "BACB" means a national organization that certifies individuals as meeting education, training, supervised experience and examination standards of the behavior analysis profession.~~

~~(3) "Board certified assistant behavior analyst" or "BCaBA" means a professional certified with the BACB as meeting the education, training, supervised experience, and examination standards to practice ABA under the supervision of a BCBA who meets the BACB supervision requirements.~~

~~(4) "Board certified behavior analyst" or "BCBA" means a professional certified with the BACB as meeting the education, training, supervised experience and examination standards to practice ABA independently. It includes individuals with the designation board certified behavior analyst doctoral (BCBA-D) of the BACB.~~

~~(5))~~ "Accepted course sequence" means the verified course sequence set of courses that have been verified by the Association for Behavior Analysis International, or similar course sequences verified by other organizations approved by the department, as meeting specific coursework requirements, content hours, and faculty standards.

(3) "Certified behavior technician" or "CBT" means a person certified under chapter 18.380 RCW.

~~((6) "Close, ongoing supervision" means procedures or tasks that are performed under a supervisor's overall direction and control. The supervisor must be accessible, but the supervisor's presence is not required during the performance of the procedures or tasks.~~

~~(7))~~ (4) "Clinical supervisor" means:

(a) A supervisor in charge of an LABA or the treatment plan the LABA is administering; or

(b) A supervisor in charge of a CBT or the treatment plan the CBT is administering.

(5) "Department" means the Washington state department of health.

~~((8))~~ (6) "In good standing" means an active credential issued by the department of health without:

- (a) Conditions;
- (b) Current discipline;
- (c) Pending discipline; or
- (d) Restrictions on the practice of ABA by a competent authority.

~~((9))~~ (7) "Licensed assistant behavior analyst" or "LABA" means a person licensed under chapter 18.380 RCW.

~~((10))~~ ~~"LABA trainee" means a person participating in a supervised experience described in WAC 246-805-230.~~

~~((11))~~ (8) "Licensed behavior analyst" or "LBA" means a person licensed under chapter 18.380 RCW.

~~((12))~~ ~~"Registered behavior technician" or "RBT" means a paraprofessional who is credentialed by the BACB to practice ABA under close ongoing supervision of a BCBA or BCaBA who is responsible for the work performed by the RBT, and meets the education, examination and training standards of the BACB.~~

~~((13))~~ (9) "Professional credentialing entity" means a department approved national accredited professional credentialing entity as described in WAC 246-840-025.

(10) "Secretary" means the secretary of the department of health or the secretary's designee.

~~((14))~~ (11) "Trainee" means:

(a) A person who is obtaining supervised experience as an LBA as described in WAC 246-805-130; or

(b) A person who is obtaining supervised experience as a LABA as described in WAC 246-805-230; or

(c) A person who is participating in a behavior technician training program described in WAC 246-805-310.

(12) "Training program supervisor" means:

(a) A supervisor in charge of an LBA who is obtaining supervised experience as described in WAC 246-805-130; or

(b) A supervisor in charge of a LABA trainee who is obtaining supervised experience as described in WAC 246-805-230; or

(c) A supervisor in charge of a CBT trainee during a certified behavior analyst training program as described in WAC 246-805-310.

#### NEW SECTION

**WAC 246-805-025 Department approval of national accredited professional credentialing entities.** (1) A national accredited professional credentialing entity is an entity which offers certifications and registrations to professional practitioners of applied behavior analysis.

(2) National accredited professional credentialing entities that provide proof of meeting the requirements described in this section meet the requirements for approval by the department.

(a) Certifications and registrations that meet or exceed current qualifications for licensure of ABA practitioners set in RCW 18.380.050(1).

(b) (i) Certifications equivalent to the LBA credential must have requirements that meet or exceed the current qualifications of WAC 246-805-100 (2) (b) and continuing education requirements that meet or exceed the requirements of WAC 246-805-401 (2) through (4).

(ii) Certifications equivalent to the LABA credential must have certification requirements that meet or exceed the current qualification of WAC 246-805-200 (3) (b) and continuing education requirements that meet or exceed the requirements of WAC 246-805-402 (2) through (4).

(iii) Certifications or registrations equivalent to the CBT credential must have requirements that meet or exceed WAC 246-805-300 (4) (b).

(c) Current accreditation by the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA).

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-100 Licensed behavior analyst—Application requirements.** An applicant for initial licensure as an LBA shall submit the following to the department:

(1) ~~((A completed application on forms provided by the department;~~

~~(2) Proof of completion of at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;~~

~~(3) Fees as required in WAC 246-805-990)) Fees and a completed application for the license; and~~

~~((4)) (2) Proof of:~~

(a) Current ~~((BACB))~~ certification ~~((as a BCBA))~~ equivalent to a licensed behavior analyst from a professional credentialing entity. Verification must be sent directly to the department from the ~~((BACB))~~ professional credentialing entity; or

(b) Meeting the requirements in RCW 18.380.050 (1) (a) including:

(i) ~~((A))~~ Graduation from a recognized master's or doctorate degree ((in behavior analysis or other natural science, education, human services, engineering, medicine, or field related to behavior analysis approved by the secretary)) program that meets the requirements of WAC 246-805-110. An official transcript must be provided as evidence of the degree required;

(ii) Successful completion of a minimum of ~~((two hundred twenty-five))~~ 225 classroom hours of graduate level instruction in behavior analysis topics described in WAC 246-805-120. An official transcript must be provided as evidence of the course work required;

(iii) Successful completion of a supervised experience requirement ~~((, consisting of a minimum of one thousand five hundred hours))~~ under WAC 246-805-130; and

(iv) Successful completion of ~~((the))~~ a national ((BCBA)) examination for the equivalent of an LBA from a professional credentialing entity as meeting the requirement in RCW 18.380.050 (1) (iv).

NEW SECTION

**WAC 246-805-110 Licensed behavior analyst—Recognized educational programs.** The department shall accept a master's or doctorate de-

gree towards initial licensure requirements for an LBA that meets the following:

- (1) The degree is in a subject listed in RCW 18.380.050 (1)(a); and
- (2) The degree is awarded from an institution accredited by the council for higher education accreditation, the United States Department of Education, or a similar accrediting institution approved by the department.

NEW SECTION

**WAC 246-805-120 Licensed behavior analyst—Required topics for classroom hours.** (1) An applicant for initial licensure as an LBA shall show completion of an approved education program with a minimum of 225 classroom hours of instruction in behavior analysis content areas as follows:

- (a) Fifteen hours of ethical considerations;
- (b) Forty-five hours of definitions and characteristics and principles, processes, and concepts;
- (c) Twenty hours of measurement of behavior and displaying and interpreting behavioral data;
- (d) Twenty hours of experimental evaluation of interventions;
- (e) Thirty-five hours of behavioral assessment and selecting intervention outcomes and strategies;
- (f) Forty-five hours of behavior change procedures and systems support; and
- (g) Forty-five hours in behavior analysis content on a discretionary basis.

(2) Classroom hours under this section may be taken in addition to the applicant's degree program if the hours are part of an accepted course sequence.

NEW SECTION

**WAC 246-805-130 Licensed behavior analyst—Supervised experience.** (1) An LBA trainee applying for an initial LBA license for an initial LBA license shall show completion of a minimum of 1,500 hours of supervised experience in behavior analysis according to this section.

(2) The LBA trainee must be enrolled in or have completed a recognized education program and topics required in WAC 246-805-120 according to this chapter prior to beginning the required supervised experience.

(3) (a) The LBA trainee shall complete their supervised experience within five years of the start date of the supervised experience.  
(b) Supervision must be conducted at least every two weeks.  
(c) When actively participating in a supervised experience, the LBA trainee shall participate in at least 10 hours and no more than 30 hours per week.

(4) A minimum of five percent of the total hours accrued in each month must be under the supervision of a training program supervisor who meets the qualifications of this section.

(5) A training program supervisor for an LBA trainee shall:

- (a) (i) Hold an active license in good standing as an LBA with at least one year of full-time equivalency practice; or
- (ii) Hold a current certification equivalent to a LBA from a professional credentialing entity; and
- (b) Not be related to, subordinate to, or employed by the LBA trainee during the supervised experience period. Employment does not include compensation received by the training program supervisor from the LBA trainee for supervision services.

(6) Supervision must include:

- (a) Observing and providing feedback to the LBA trainee on their behavior analytic activities with a client in the natural environment;
- (b) Observing the LBA trainee in real time by web camera, video-conferencing, or similar means when the training program supervisor is not physically present; and
- (c) Supervising in small groups of up to six LBA trainees for no more than half of the total supervision required in subsection (3) of this section.

(7) The LBA trainee shall perform the following activities during the supervised experience:

- (a) Directly implementing behavioral programs delivering therapeutic and instructional procedures, which may not exceed 50 percent of the total accrued experience hours; and
- (b) Designing and systematically monitoring behavioral programs, naturalistic observation, staff and caregiver training, researching literature related to the program, and conducting assessments related to the need for behavioral intervention.

(8) Supervised experience must include the following content areas:

- (a) Ethics and professional conduct;
- (b) Measurement;
- (c) Experimental design;
- (d) Behavior-change considerations;
- (e) Fundamental elements of behavior change;
- (f) Behavior-change procedures;
- (g) Behavior-change systems;
- (h) Problem identification;
- (i) Assessment;
- (j) Intervention;
- (k) Implementation, management and supervision;
- (l) Philosophical assumptions of behavior analysis;
- (m) Verbal operants; and
- (n) Respondent and operant conditioning.

(9) The training program supervisor and LBA trainee shall develop a supervision plan before the LBA trainee begins performing any behavior analytic tasks. The supervision plan must be maintained in the LBA trainee's file for seven years after completion of supervised experience. The supervision plan must include:

- (a) Types of duties and responsibilities the LBA trainee will perform;
- (b) Dates, time and duration of supervision;
- (c) Type of supervision, as described in subsection (6) of this section;
- (d) Brief description of supervision activities; and
- (e) Signatures of both the training program supervisor and LBA trainee.

(10) A supervised experience under this section may be completed as part of or in addition to the LBA trainee's master's or doctorate degree program.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-200 Licensed assistant behavior analyst—Application requirements.** An applicant for initial licensure as an LABA shall submit the following to the department:

- ~~(1) ((A completed application on forms provided by the department;~~
- ~~(2) Proof of completing at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;~~
- ~~(3) Proof of supervision;~~
- ~~(4) Fees as required in WAC 246-805-990; and~~
- ~~(5-)) Fees and a completed application for the license.~~
- (2) The name of the clinical supervisor as proof of ongoing supervision that meets the requirements in RCW 18.380.050(2); and
- (3) Proof of:
  - (a) Current certification ((as a BCaBA from the BACB)) equivalent to the licensed assistant behavior analyst from a professional credentialing entity. Verification must be sent directly to the department from the ((BACB)) professional credentialing entity; or
  - (b) Meeting the requirements in RCW 18.380.050 (1)(b):
    - (i) Graduation from a recognized bachelor's degree program under WAC 246-805-210. An official transcript must be provided as evidence of the degree required;
    - (ii) Proof of successful completion of a minimum of ((one hundred thirty-five)) 135 classroom hours of instruction in behavior analysis topics described in WAC 246-805-220. An official transcript must be provided as evidence of the course work required; and
    - (iii) Proof of successful completion of a supervised experience requirement under WAC 246-805-230.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-220 Licensed assistant behavior analyst—Required topics for classroom hours.** (1) An applicant for initial licensure as an LABA shall complete ((one hundred thirty-five)) a minimum of 135 classroom hours of instruction in specific behavior analysis topics from a recognized educational institution in compliance with WAC 246-805-210. Topics must include the following content areas and the minimum number of hours specified:

- (a) Ten hours of ethical considerations;
- (b) Forty hours of definitions and characteristics and principles, processes, and concepts;
- (c) Twenty hours of experimental evaluation of interventions, measurement of behavior, and displaying and interpreting behavioral data;

(d) Twenty-five hours of behavioral assessment and selecting intervention outcomes and strategies; and

(e) Forty hours of behavior change procedures and systems support.

(2) Classroom hours under this section may be taken (~~as part of or~~) in addition to the applicant's bachelor's degree program if the hours are part of an accepted course sequence.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-230 Licensed assistant behavior analyst—Supervised experience.** (1) Prior to submitting an application to the department, an (~~applicant~~) LABA trainee applying for initial licensure for an LBA license shall complete a minimum of (~~one thousand~~) 1,000 hours of supervised experience in behavior analysis.

(2) The LABA trainee must be enrolled in or have completed the requirements contained in WAC 246-805-220 to be eligible to begin the required supervised experience as an LABA trainee.

(3) (a) The LABA trainee (~~must~~) shall complete his or her supervised experience within five years of the start date of the supervised experience.

(b) When actively participating in a supervised experience, the LABA trainee (~~must~~) shall participate in supervised experience at least (~~ten~~) 10 hours and no more than (~~thirty~~) 30 hours per week.

(c) At least five percent of the total monthly hours of supervised experience must be under the supervision (~~as~~) defined in subsection (5) of this section (~~of an LBA or BCBA~~).

(d) Supervision must be conducted at least every two weeks.

(4) A person is qualified to (~~supervise an~~) be a training program supervisor for a LABA trainee if (~~he or she~~) the person:

(a) Holds an active license in good standing as an LBA with at least one year of full-time equivalency practice; or

(b) Holds a current certification (~~as a BCBA and meets the BACB supervisory requirements~~) equivalent to a LBA from a professional credentialing entity; and

(c) Is not related to, subordinate to, or employed by the LABA trainee during the supervised experience period. Employment does not include compensation received by the training program supervisor from the LABA trainee for supervision services.

(5) Supervision (~~shall~~) must include:

(a) Observing and providing feedback to the LABA trainee on his or her behavior analytic activities with a client in the natural environment;

(b) Observing the LABA trainee in real time by (~~synchronous (real-time)~~) web camera, videoconferencing, or similar means when the training program supervisor is not physically present; and

(c) Supervising in small groups of up to six LABA trainees for no more than half of the total supervision required in subsection (3) of this section.

(6) The LABA trainee shall perform the following activities during the supervised experience:

(a) Directly implementing behavioral programs delivering therapeutic and instructional procedures, which may not exceed (~~fifty~~) 50 percent of the total accrued experience hours; and

(b) Designing and systematically monitoring behavioral programs, naturalistic observation, staff and caregiver training, researching literature related to the program, and conducting assessments related to the need for behavioral intervention.

(7) Supervised experience must include the following content areas:

- (a) Ethics and professional conduct;
- (b) Measurement;
- (c) Experimental design;
- (d) Behavior-change considerations;
- (e) Fundamental elements of behavior change;
- (f) Behavior-change procedures;
- (g) Behavior-change systems;
- (h) Problem identification;
- (i) Assessment;
- (j) Intervention;
- (k) Implementation, management and supervision;
- (l) Philosophical assumptions of behavior analysis;
- (m) Verbal operants; and
- (n) Respondent and operant conditioning.

(8) The training program supervisor and LABA trainee (~~must~~) shall develop a supervision plan before the LABA trainee begins performing any behavior analytic tasks. The supervision plan must be maintained in the LABA trainee's file for seven years after completion of supervised experience. The supervision plan shall include:

- (a) Types of duties and responsibilities the LABA trainee will perform;
- (b) Dates, time and duration of supervision;
- (c) Type of supervision, as described in subsection (5) of this section;
- (d) Brief description of supervision activities; and
- (e) Signatures of both the training program supervisor and LABA trainee.

(9) A supervised experience under this section may be completed as part of or in addition to the LABA trainee's bachelor's degree program.

AMENDATORY SECTION (Amending WSR 17-12-084, filed 6/5/17, effective 7/1/17)

**WAC 246-805-240 Licensed assistant behavior analyst—Continuing supervision.** (1) (~~An~~) A LABA (~~must~~) shall work under the supervision of an LBA or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) for each client receiving ABA services.

(2) A clinical supervisor shall:

(a) Hold an active license in good standing as a Washington state LBA or be otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Be responsible and accountable for the services an LABA provides to clients.

(3) The LABA and the clinical supervisor (~~((must))~~) shall develop a supervision agreement before the LABA begins to provide any behavior analytic tasks. A copy of the supervision agreement must be maintained by both the clinical supervisor and LABA. The supervision agreement must include, but not be limited to:

- (a) Duties and responsibilities the LABA will perform;
- (b) Mechanism for reporting caseload to the clinical supervisor;
- (c) Type and frequency of supervision; and
- (d) Signature of both the clinical supervisor and supervisee.

(4) The clinical supervisor shall review the LABA's progress with the LABA at least every six months.

(5) The supervision shall include:

(a) At least one face-to-face contact per month with the LABA. Face-to-face contact may occur in person, on-site, or by videoconferencing, and may include small group interaction; and

(b) Visually observing the LABA with clients on a quarterly basis for at least one treatment session. Observation may occur in person or by videoconferencing.

#### NEW SECTION

**WAC 246-805-250 Licensed assistant behavior analyst—Supervision disclosure.** Prior to providing services to a client, a LABA shall disclose in writing to the client, or client's parent or legal guardian, the supervisor's name and contact information.

(1) Documentation of disclosure must be maintained in the client file and a copy given to the client or the client's parent or legal guardian, if applicable.

(2) The supervision disclosure must be updated and shared with the client, or the client's parent or legal guardian if applicable, as soon as practical whenever the LABA has a new supervisor.

(3) The supervision disclosure must be reviewed at least once per year to determine if it needs to be updated. The disclosure must be shared with the client or client's parent or guardian if updated.

(4) The client file must include documentation to reflect each time it is reviewed.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-300 Certified behavior technician—Application requirements.** An applicant for initial certification as a CBT shall submit the following to the department:

(1) ~~((A completed application on forms provided by the department))~~ Fees and a completed application for the certification;

(2) Proof of being at least ~~((eighteen))~~ 18 years of age;

(3) Proof of a high school diploma or equivalent;

(4) ~~((Proof of completing at least four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;~~

~~(5))~~ Proof of:

(a) ~~((Current registration as a RBT from the BACB. Verification must be sent directly to the department from the BACB; or~~

~~(b))~~ Current behavior technician registration or certification from a ~~((nationally accredited professional credentialing entity accepted by the secretary))~~ professional credentialing entity. Verification must be sent directly to the department from the accredited professional credentialing entity; or

~~((e))~~ (b) Successful completion of a behavior technician training program outlined in WAC 246-805-310 to include:

~~(i)~~ Classroom, online, or supervisor-led instruction with the content outlined in ~~((subsection (3)(a) of this section))~~ WAC 246-805-310 (4) (a);

~~(ii)~~ Experiential learning as outlined in ~~((subsection (3)(b) of this section))~~ WAC 246-805-310 (4) (b); and

~~(iii)~~ Evaluation and assessment as outlined in ~~((subsection (3)(c) of this section))~~ WAC 246-805-310 (4) (c).

~~((6))~~ (5) The name of the clinical supervisor as proof of ongoing supervision that meets the requirements ~~((of WAC 246-805-330; and (7) Fees as required in WAC 246-805-990))~~ in RCW 18.380.050(2).

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-310 Behavior technician training program.** An applicant who does not hold ~~((RBT))~~ a registration or certification from a professional credentialing entity under WAC 246-805-300 ~~((5))~~ (4) (a) ~~((or other behavior technician registration or certification accepted by the secretary under WAC 246-805-300 (5)(b)))~~ may qualify for a CBT credential by completing a behavior technician training program meeting the requirements described in this section.

(1) Behavior technician training programs meeting the requirements described in this section are approved by the secretary.

(2) The behavior technician training program must be ~~((~~

~~(a)~~ Affiliated with a postsecondary school or college accredited by a regional or national accrediting organization recognized by the U.S. Department of Education; or

~~(b))~~ affiliated with an agency, business or individual that:

~~((i))~~ (a) Has a supervisor within sight and hearing and available for immediate intervention when the trainee is working with clients.

~~((ii))~~ (b) Has a supervisor who is:

~~((A))~~ (i) An LBA who holds a current and active credential in good standing with at least one year of full-time ~~((equivalency))~~ experience; or an ~~((active BCBA who meets the supervisor requirements of the BACB))~~ individual who holds a certification equivalent to an LBA from a professional credentialing entity and has at least one year of full-time experience;

~~((B))~~ (ii) Responsible for the conduct of the trainee at all times when working with clients under his or her supervision; and

~~((C))~~ (iii) Responsible for the training program, who will be referred to as the "training program supervisor ~~((, " and shall))~~ ."

(3) The training program supervisor shall:

~~((I))~~ (a) Not be related to, subordinate to, or employed by the trainee during the training period. Employment does not include compensation received by the supervisor from the trainee for supervision services.

~~((II))~~ (b) Be responsible for determining the content of the training, adherence to the training, and ascertaining the competency of the trainee.

~~((III))~~ (c) Supervise the trainee until ~~((he or she))~~ the trainee demonstrates entry level competency, as provided in subsection ~~((3))~~ (4) (c) of this section.

~~((3))~~ (4) The behavior technician training program must be at least ~~((forty))~~ 40 hours in duration and include:

(a) Classroom, online or supervisor-led instruction in the following content areas:

- (i) Measurement;
- (ii) Assessment;
- (iii) Skill acquisition;
- (iv) Behavior reduction;
- (v) Documentation and reporting; and
- (vi) Professional conduct and scope of practice.

(b) Experiential learning that includes:

(i) Practicing techniques in a simulated situation incorporating content areas in (a) of this subsection; and

(ii) Observing and performing behavior analysis services with clients incorporating content areas in (a) of this subsection.

(c) Evaluation and assessment by the training program supervisor of the trainee's demonstrated entry level competency in the knowledge and skills under (a) and (b) of this subsection. The supervisor evaluation and assessment must include verification of classroom training content.

~~((4))~~ (5) After the trainee demonstrates entry level competency, as provided in subsection ~~((3))~~ (4) (c) of this section, supervision may be provided by any behavior analyst who meets the requirements of subsection (2) (a) and (b) (i) and (ii) ~~((A) and (B))~~ of this section. An applicant from an out-of-state program may not provide ABA services until a credential has been issued.

~~((5))~~ (6) Prior to or at the time of the first visit with a client, the supervisor shall ensure that the client or client's parent or legal guardian is notified in writing that the trainee is participating in a behavior technician training program. The notification must be ~~((within))~~ signed by the client or client's parent or legal guardian and placed in the client's ~~((treatment plan or other documentation that must include the supervisor's name and contact information))~~ file.

~~((6))~~ (7) A trainee ~~((must))~~ shall complete the training program and submit an application to the department on a form provided by the department within one ~~((hundred eighty days))~~ year of starting the training program.

~~((7))~~ (8) Documentation of all behavior analysis training, supervision, duties, and responsibilities of the trainee must be completed and signed by the training program supervisor and the trainee, and placed in the trainee's personnel file. Copies of the documentation will be maintained by both the trainee and the training program supervisor for a minimum of four years or any other standard required by law, whichever is longer.

~~((8))~~ (9) Upon successful completion of the training program requirements, the training program supervisor will sign an attestation that the trainee has completed the behavior technician training requirements.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-320 Certified behavior technician—Tasks.** (1) A CBT shall not:

(a) Initiate or implement a treatment program with a client until the client has been evaluated (~~(by an LBA or LABA,)~~) and a written treatment and instructional program has been prepared by an LBA (~~(or)~~), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1);

(b) Independently perform a client assessment or evaluation, but may assist in the process under the direction of an LBA or LABA; and

(c) Independently design or modify client treatment plans or instructional programs.

(2) A CBT shall:

(a) Monitor the need for reassessment and report changes in status that may warrant reassessment or referral by or under the direction of an LBA (~~(or)~~), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); and

(b) Immediately discontinue and notify the supervising LBA (~~(or)~~), LABA, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1) about any treatment procedure that appears harmful to the client.

NEW SECTION

**WAC 246-805-325 Certified behavior technician—Definitions for continuing supervision.** The definitions in this section apply to WAC 246-805-330 unless the context clearly states otherwise:

(1) "Close, ongoing clinical supervision" means to perform procedures or tasks that are performed under a clinical supervisor's overall direction and control. The clinical supervisor must be accessible but is not required during the performance of the procedures or tasks.

(2) "Direct supervision and observation" means the clinical supervisor is providing direction and observation on-site or by video-conference.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-330 Certified behavior technician—Continuing supervision.** (1) A CBT (~~(must)~~) shall work under close, ongoing supervision of (~~(an LBA or LABA)~~) a clinical supervisor for each client receiving ABA services.

(2) A clinical supervisor:

(a) (~~(Must)~~) Shall hold an active license in good standing as an LBA (~~(or)~~), LABA, or a license issued by this state permitting the individual to practice ABA consistent with RCW 18.380.030(1); and

(b) (~~(Shall be)~~) Is responsible for the conduct of the CBT at all times when working with clients under his or her supervision.

(3) The CBT and the clinical supervisor (~~(must)~~) shall develop a supervision agreement before the CBT begins to provide any behavior

analytic tasks. A copy of the supervision agreement must be maintained both by the supervisor and CBT. The supervision agreement must include, but not be limited to:

- (a) Duties and responsibilities the CBT will perform;
- (b) Type and frequency of supervision, as described in subsection (5) of this section; and
- (c) Signature of both the clinical supervisor and ~~((supervisee))~~ CBT.

(4) The clinical supervisor shall review the CBT's progress with the CBT as necessary ~~((but))~~ and document the progress at least every six months.

(5) The clinical supervisor shall:

- (a) Meet in person with the CBT to provide guidance in working with new clients;
- (b) Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing.

(c) Provide direct supervision and observation for a minimum of five percent of the CBT's hours ~~((with clients per))~~ each month ~~((+))~~

~~((e))~~ ~~Conduct at least two face-to-face contacts per month with the CBT. Face-to-face contact may occur in person, on-site or by videoconferencing;~~

~~((d))~~ ~~Observe~~) including:

(i) Observing the CBT at least once per month when the CBT is providing ABA services to clients ~~((Observation may occur in person, on-site or by videoconferencing))~~; and

~~((e))~~ Observe) (ii) Observing the CBT with each client on his or her caseload at least once every three months.

#### NEW SECTION

**WAC 246-805-340 Certified behavior technician—Supervision disclosure.** Prior to providing services to a client, a CBT shall disclose in writing the supervisor's name and contact information.

(1) Documentation of disclosure must be maintained in the client file and a copy given to the client or the client's parent or guardian, as applicable.

(2) The supervision disclosure must be updated and shared with the client, or the client's parent or guardian as applicable, as soon as practical whenever the CBT has a new training program or clinical supervisor.

(3) The supervision disclosure must be reviewed at least once per year to determine if it needs to be updated. The disclosure must be shared with the client or client's parent or guardian if updated.

(4) The client file must include documentation to reflect each time it is reviewed.

AMENDATORY SECTION (Amending WSR 18-10-016, filed 4/23/18, effective 5/24/18)

**WAC 246-805-400 General continuing education requirements for an LBA and LABA.** An LBA ~~((or LABA must))~~ shall attest to completing the

continuing education (CE) requirements in ~~((this section))~~ WAC 246-805-401 and an LBA shall attest to completing the CE requirements in WAC 246-805-402 as a condition of renewing the license every two years. ~~((CE must be completed during the first full CE reporting period after July 1, 2018.~~

~~(1) Maintaining certification from the BACB or another national certification board approved by the secretary that requires CE as part of certification meets CE requirements as described in this section.~~

~~(2) An LBA shall complete a minimum of thirty-two hours of CE related to the practice of applied behavior analysis.~~

~~(a) A minimum of twenty hours of activities must directly address:~~

~~(i) Behavior analytic skill development; and~~

~~(ii) Current practices in clinical practice of applied behavior analysis.~~

~~(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.~~

~~(c) No more than eight hours may be in professional development activities that enhance the licensee's business practice as an LBA.~~

~~(3) An LBA shall complete twenty hours of CE related to the practice of applied behavior analysis.~~

~~(a) A minimum of ten hours of activities must directly address:~~

~~(i) Behavior analytic skill development; and~~

~~(ii) Current practices in clinical practice of applied behavior analysis.~~

~~(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.~~

~~(c) No more than six hours may be in professional development activities that enhance the licensee's business practice as an LBA.~~

~~(4))~~ The general requirements are:

(1) Fifty minutes of CE contact time or direct instruction is equivalent to one CE hour.

~~((5))~~ (2) The CE hours must be obtained through one or more of the following:

(a) Courses from a college or university accredited by the United States Department of Education may meet all of the required CE hours.

(i) One academic semester credit is equivalent to ~~((fifteen))~~ 15 CE hours.

(ii) One academic quarter credit is equivalent to ~~((ten))~~ 10 CE hours.

(b) Courses from a CE provider.

(i) Courses from providers approved by ~~((the BACB or a national certification board affiliated with behavior analysis approved by the secretary may meet all of the required CE hours))~~ a professional credentialing entity may meet all of the required CE hours.

(ii) Courses from providers not approved by a ~~((national certification board affiliated with behavior analysis))~~ professional credentialing entity may meet no more than eight CE hours.

(c) Licensee-led instruction of a CE course.

(i) College or university instruction may meet no more than ~~((sixteen))~~ 16 CE hours.

(ii) Any other type of instruction may meet no more than eight CE hours.

(iii) Repeated instruction in the same course may only qualify for CE credit one time in a single CE reporting period.

(iv) Instruction must be related to applied behavior analysis.

(d) The following activities are eligible for up to eight CE hours and only count during the CE time period when the article was published or reviewed:

(i) Publication of an applied behavior analysis article in a peer-reviewed journal is equivalent to eight CE hours;

(ii) Completion of reviewing an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour; or

(iii) Serving as an action editor of an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour.

~~((+6))~~ (3) An LBA and LABA shall comply with the requirements of chapter 246-12 WAC ~~(, Part 7; and shall keep)~~ to include keeping records documenting attendance for four years; and shall provide CE documentation upon request. Acceptable documentation depends on the CE activity and includes:

(a) Course syllabus and transcript from college or university;

(b) Certificate or letter from a CE provider that includes the course topic and CE hours completed;

(c) Title, description, and dates of course of instruction on a letter from the academic institution or education provider;

(d) Copy of the final publication of article listing the credential holder as the author;

(e) Letter of attestation from the action editor reporting the credential holder's name as a reviewer of an applied behavior analysis article; or

(f) Editorial decision letter reporting the credential holder's name as an action editor of an applied behavior analysis article.

#### NEW SECTION

##### **WAC 246-805-401 Continuing education requirements for an LBA.**

Continuing education requirements for an LBA must be met every two years in one of the following ways:

(1) Maintaining certification from a professional credentialing entity that requires CE as part of certification; or

(2) Completing a minimum of 32 hours of CE related to the practice of applied behavior analysis.

(a) A minimum of 20 hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than eight hours may be in professional development activities that enhance the licensee's business practice as an LBA.

(3) In addition to the requirements in subsections (1) and (2) of this section, an LBA shall complete two hours of health equity CE every four years as described in WAC 246-12-800 through 246-12-830.

(4) All CE must meet the requirements in WAC 246-805-400.

NEW SECTION**WAC 246-805-402 Continuing education requirements for an LABA.**

Continuing education requirements for an LABA must be met every two years in one of the following ways:

- (1) Maintaining certification from a professional credentialing entity that requires CE as part of certification; or
- (2) Completing 20 hours of CE related to the practice of applied behavior analysis.
  - (a) A minimum of 10 hours of activities must directly address:
    - (i) Behavior analytic skill development; and
    - (ii) Current practices in clinical practice of applied behavior analysis.
  - (b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.
  - (c) No more than six hours may be in professional development activities that enhance the licensee's business practice as an LABA.
- (3) In addition to the requirements in subsections (1) and (2) of this section, an LABA shall complete two hours of health equity CE every four years as described in WAC 246-12-800 through 246-12-830.
- (4) All CE must meet the requirements in WAC 246-805-400.

AMENDATORY SECTION (Amending WSR 18-10-016, filed 4/23/18, effective 5/24/18)

**WAC 246-805-410 Continuing competency requirements for a CBT.**

- (1) A CBT ((must)) shall attest to:
  - (a) Completing the continuing competency requirements in this section as a condition of renewing the certification((. The requirements in this section are effective for a certification renewed on or after July 1, 2018)); or
  - (b) Not currently working at the time of the renewal.
- ((1)) (2) A CBT ((must)) shall complete continuing education or demonstrate continuing competency by either:
  - (a) Maintaining certification from ((the BACB or another national certification board approved by the secretary)) a professional credentialing entity; or
  - (b) Within ((three months)) 90 days prior to renewal obtaining an assessment by an LBA or LABA or otherwise qualified supervisor on performance or demonstration of the following applied behavior analysis tasks:
    - (i) Measurement;
    - (ii) Assessment;
    - (iii) Skill acquisition;
    - (iv) Behavior reduction;
    - (v) Documentation and reporting; and
    - (vi) Professional conduct and scope of practice.
- ((2)) (3) A CBT who attests to not working at the time of renewal shall, within three months of obtaining employment as a CBT, obtain an assessment by the LBA or LABA or otherwise qualified supervisor as described in subsection (2)(b) of this section.
- (4) A CBT shall ((keep and provide documentation upon request.
- ((3) A CBT shall comply with the requirements of chapter 246-12 WAC, Part 7)) comply with the requirements of WAC 246-12-170 through 246-12-240 and include keeping records documenting continuing compe-

tency compliance for four years and shall, upon request, provide documentation of meeting subsection (2) or (3) of this section. Documentation of meeting subsection (3) of this section must include documentation of the date the CBT started work as a CBT.

NEW SECTION

**WAC 246-805-510 Reciprocity.** An ABA credential may be issued to an individual who holds a credential from another state if that state requires qualifications substantially equivalent to qualifications in Washington. To obtain a credential, an applicant shall submit to the department:

- (1) Fees and an application for the license or certification;
- (2) A verification form, or other equivalent document, from a state that requires qualifications substantially equivalent to Washington qualification that verifies the applicant is currently credentialed. The verification must show that the credential is active, unrestricted and is not subject to denial or issuance of a conditional or restricted credential; and
- (3) Verification forms, or other equivalent documents, from all other states in which the applicant is currently, or was previously credentialed, that verifies the applicant was or is currently credentialed. The verifications must show that the credential has not been restricted and is not subject to denial or issuance of a conditional or restricted credential.

NEW SECTION

**WAC 246-805-520 Licensed behavior analysts—Temporary license.** Temporary licenses are available for applicants who do not reside in Washington state seeking a temporary credential for licensed behavior analyst.

- (1) A temporary license may be issued to an applicant who meets the following conditions:
  - (a) Holds an active, unrestricted credential to practice as a licensed behavior analyst issued by another state;
  - (b) Is not subject to denial of a credential or issuance of a conditional, restricted license or under pending investigation by a disciplinary authority; and
  - (c) There are no violations identified in the Washington criminal background check and the applicant meets all other licensure conditions including receipt by the department of a completed Federal Bureau of Investigation (FBI) fingerprint card.
- (2) The temporary license allows the applicant to work in the state of Washington for 180 days from the date of issuance. The temporary license grants the applicant a license to practice within the full scope of practice of the licensed behavior analyst.
- (3) A temporary license will not be renewed, reissued, or extended. A temporary license expires 180 days after the temporary license is issued.
- (4) To receive a temporary license, the applicant shall submit to the department:

- (a) Fees and a completed application for the temporary license;
- (b) Verification from at least one state that the applicant is currently licensed. The verification must show licensure status.
- (c) Verification forms from all other states in which the applicant is currently, or was previously licensed, that verifies the applicant was or is currently licensed and confirms licensure status.

AMENDATORY SECTION (Amending WSR 17-08-018, filed 3/27/17, effective 4/27/17)

**WAC 246-805-990 Applied behavior analysis fees and renewal cycle.** (1) Credentials in this section must be renewed every two years on the practitioner's birthday as provided in (~~chapter 246-12 WAC, Part 2~~) WAC 246-12-020 through 246-12-051.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<b>Licensed behavior analyst</b>	
<b><u>Initial application (original or reciprocity)</u></b>	
Application and initial license	\$250.00
<b>Active license renewal</b>	
Renewal	350.00
Late renewal penalty	175.00
<b><u>Expired license reissuance</u></b>	<u>175.00</u>
<b><u>Temporary license</u></b>	<u>50.00</u>
<b>Duplicate license</b>	((30.00)) <u>10.00</u>
<b>Verification of license</b>	((30.00)) <u>25.00</u>
<b>Licensed assistant behavior analyst</b>	
<b><u>Initial application (original or reciprocity)</u></b>	
Application and initial license	160.00
<b>Active license renewal</b>	
Renewal	175.00
Late renewal penalty	90.00
<b><u>Expired license reissuance</u></b>	<u>90.00</u>
<b>Duplicate license</b>	((30.00)) <u>10.00</u>
<b>Verification of license</b>	((30.00)) <u>25.00</u>
<b>Certified behavior technician</b>	
<b><u>(Original) Application (original or reciprocity)</u></b>	
Application and initial license	95.00
<b>Active license renewal</b>	
Renewal	150.00
Late renewal penalty	75.00
<b><u>Expired license reissuance</u></b>	<u>75.00</u>
<b>Duplicate license</b>	((30.00)) <u>10.00</u>

Title of Fee	Fee
Verification of license	(( <del>30.00</del> )) <u>25.00</u>

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-805-020      Supervision disclosure.