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**SENATE BILL 5974**

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**State of Washington 65th Legislature 2017 3rd Special Session**

**By** Senator Kuderer

AN ACT Relating to the supervision of licensed assistant behavior analysts and certified behavior technicians; amending RCW 18.380.010 and 18.380.050; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 18.380.010 and 2015 c 118 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorized supervisor" means:

(a) A licensed behavior analyst; or

(b) A psychiatrist, psychologist, or advanced registered nurse practitioner who is licensed under this title and is able to demonstrate to the secretary, upon request, competency to supervise the practice of applied behavior analysis.

(2) "Certified behavior technician" means a paraprofessional who implements a behavior analysis treatment plan under the close, ongoing supervision of ((~~a licensed behavior analyst~~)) an authorized supervisor or a licensed assistant behavior analyst, but who does not design or supervise the implementation of a behavior analysis treatment plan.

((~~(2)~~)) (3) "Committee" means the Washington state applied behavior analysis advisory committee.

((~~(3)~~)) (4) "Department" means the department of health.

((~~(4)~~)) (5) "Licensed assistant behavior analyst" means an individual who is licensed under this chapter to engage in the practice of applied behavior analysis under the supervision of ((~~a licensed behavior analyst~~)) an authorized supervisor.

((~~(5)~~)) (6) "Licensed behavior analyst" means an individual who is licensed under this chapter to engage in the practice of applied behavior analysis.

((~~(6)~~)) (7)(a) "Practice of applied behavior analysis" means:

(i) The design, implementation, and evaluation of instructional and environmental modifications based on scientific research and the direct observation and measurement of behavior and the environment to produce socially significant improvements in human behavior;

(ii) Empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis; and

(iii) Utilization of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other consequences to assist individuals in developing new behaviors, increasing or decreasing existing behaviors, and emitting behaviors under specific environmental conditions.

(b) "Practice of applied behavior analysis" does not include psychological testing, diagnosis of a mental or physical disorder, neuropsychology, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, or counseling as treatment modalities. It also does not include the use of behavioral techniques described in (a)(iii) of this subsection alone as treatment modalities.

((~~(7)~~)) (8) "Secretary" means the secretary of the department of health.

**Sec.**  RCW 18.380.050 and 2015 c 118 s 5 are each amended to read as follows:

(1) The secretary shall issue a license to an applicant who submits a completed application, pays the appropriate fees, and meets the following requirements:

(a) For a licensed behavior analyst:

(i) Graduation from a master's or doctorate degree program in behavior analysis or other natural science, education, human services, engineering, medicine, or field related to behavior analysis approved by the secretary;

(ii) Completion of a minimum of two hundred twenty-five classroom hours at graduate level instruction in specific behavior analysis topics, as determined in rule;

(iii) Successful completion of a supervised experience requirement, consisting of a minimum of one thousand five hundred hours, or an alternative approved by the secretary by rule; and

(iv) Successful completion of an examination approved by the secretary;

(b) For a licensed assistant behavior analyst:

(i) Graduation from a bachelor's degree program approved by the secretary;

(ii) Completion of one hundred thirty-five classroom hours of instruction in specific behavior analysis topics, as determined by the secretary in rule; and

(iii) Successful completion of a supervised experience requirement, consisting of a minimum of one thousand hours, or an alternative approved by the secretary by rule;

(c) For a certified behavior technician:

(i) Successful completion of a training program of at least forty hours that is approved by the secretary; and

(ii) Any other requirements determined by the secretary in rule;

(d) Demonstrates good moral character;

(e) Has not engaged in unprofessional conduct as defined in RCW 18.130.180;

(f) Is not currently subject to any disciplinary proceedings; and

(g) Is not unable to practice with reasonable skill and safety as defined in RCW 18.130.170.

(2) In addition, an applicant for an assistant behavior analyst license ((~~or a behavior technician certification~~)) must provide proof of ongoing supervision by ((~~a licensed behavior analyst~~)) an authorized supervisor, and an applicant for a behavior technician certification must provide proof of ongoing supervision by an authorized supervisor or a licensed assistant behavior analyst.

(3) The secretary may accept certification by a national accredited professional credentialing entity in lieu of the specific requirements identified in subsection (1)(a) through (c) of this section.

(4) A license or certification issued under this section is valid for a period of two years.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

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