

Chapter 18.380 RCW
APPLIED BEHAVIOR ANALYSIS

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RCW 18.380.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

(4) "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.

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

(6) (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) "Secretary" means the secretary of the department of health. [2015 c 118 § 1.]

Effective date—2015 c 118: "Except for sections 4 and 16 of this act, this act takes effect July 1, 2017." [2015 c 118 § 15.]

RCW 18.380.020 Licensure or certification required—Unauthorized practices. (1) (a) Except as provided in RCW 18.380.030, no person may engage in the practice of applied behavior analysis unless he or she holds a license or a temporary license under this chapter. The use of behavioral techniques described in RCW 18.380.010(6)(a)(iii) alone does not constitute the practice of applied behavior analysis.

(b) A person not licensed under this chapter may not represent himself or herself as a "licensed behavior analyst" or a "licensed assistant behavior analyst."

(2) Except as provided in RCW 18.380.030, no person may practice as a certified behavior technician in this state without having a certification issued by the secretary. A person not certified under this chapter may not represent himself or herself as a "certified behavior technician." [2015 c 118 § 2.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.030 Exemptions. Nothing in this chapter may be construed to prohibit or restrict:

(1) An individual who holds a credential issued by this state, other than as a licensed behavior analyst, a licensed assistant behavior analyst, or a certified behavior technician, to engage in the practice of that occupation or profession without obtaining an additional credential from the state, so long as the practice is within that profession's or occupation's scope of practice;

(2) A person employed as a behavior analyst, assistant behavior analyst, or behavior technician by the government of the United States if the person provides behavior analysis services solely under the direction or control of the agency by which the person is employed;

(3) An employee of a school district, charter school, or private school approved under chapter 28A.195 RCW in the performance of his or her regular duties of employment, so long as the employee does not offer behavior analytic services to any person or entity other than the school employer and does not accept remuneration for providing behavior analytic services other than the remuneration he or she receives from the school employer;

(4) The practice of applied behavior analysis by a matriculated college or university student if he or she: (a) Participates in a defined course, internship, practicum, or program of study; (b) is supervised by college or university faculty or a licensed behavior analyst; and (c) uses a title that clearly indicates trainee status, such as "behavior analysis student," "behavior analysis intern," or "behavior analysis trainee";

(5) The practice of applied behavior analysis by an individual pursuing supervised experiential training to meet eligibility requirements for licensure under this chapter or national certification in behavior analysis, so long as the training is supervised by a licensed behavior analyst who meets any additional

requirements established by the secretary or by a professional who meets supervisor requirements determined by a national certifying entity;

(6) Implementation of a behavior analysis treatment plan by a family member or legal guardian of a recipient of behavior analysis services, as defined in rule, so long as the family member or legal guardian is under the supervision of a licensed behavior analyst or a licensed assistant behavior analyst;

(7) The activities of a behavior analyst who practices with nonhumans including, but not limited to, animal trainers and applied animal behaviorists; or

(8) The activities of a behavior analyst who provides general behavior analysis services to organizations so long as those services are for the benefit of the organization and do not involve direct services to individuals. [2015 c 118 § 3.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.040 Applied behavior analysis advisory committee.

(1) The Washington state applied behavior analysis advisory committee is established.

(2) The committee consists of the following five members:

(a) Three members who are licensed behavior analysts or, for the initial members of the committee, certified by the national behavior analyst certification board as either a board certified behavior analyst or a board certified behavior analyst - doctoral;

(b) One member who is a licensed assistant behavior analyst or, for the initial members of the committee, certified by the national behavior analyst certification board as a board certified assistant behavior analyst; and

(c) One member of the public who is not a member of any other health care licensing board or commission and does not have a material or financial interest in the rendering of services regulated under this chapter. The public member may be the parent or guardian of a recipient of behavior analysis services.

(3) The secretary shall appoint the committee members. Committee members serve at the pleasure of the secretary. The secretary may appoint members of the initial committee to staggered terms of one to four years, and thereafter all terms are for four years. No member may serve more than two consecutive terms.

(4) It is recommended that one of the three licensed behavior analysts appointed to the committee also has an additional mental health license, such as a psychologist.

(5) The committee shall elect officers each year. The committee shall meet at least twice each year and may hold additional meetings as called by the chair. A majority of the committee appointed and serving constitutes a quorum.

(6) The secretary shall consult with the committee in determining the qualifications for licensure or certification under RCW 18.380.050.

(7) Committee members must be compensated in accordance with RCW 43.03.240. Members must be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060. [2015 c 118 § 4.]

RCW 18.380.050 Licensure or certification requirements. (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.

(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. [2015 c 118 § 5.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.060 Licensing or certification—Applications—Fees.

Applications for licensing or certification must be submitted on forms provided by the secretary. The secretary may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for licensing or certification provided for in this chapter and chapter 18.130 RCW.

Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee must accompany the application. [2015 c 118 § 6.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.070 License or certification—Renewal. (1) The secretary shall establish by rule the requirements for renewal of a license or certification, but may not increase the licensure or certification requirements provided in this chapter. The secretary shall establish administrative procedures, administrative requirements, and fees for license and certification periods and renewals as provided in RCW 43.70.250 and 43.70.280.

(2) Failure to renew the license or certification invalidates the license or certification and all privileges granted by the license or certification. If a license or certification has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by completing continuing competency requirements or meeting other standards determined by the secretary. [2015 c 118 § 7.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.080 Temporary license. The secretary may grant a temporary license to a person who does not reside in this state if he or she: (1) Is licensed to practice applied behavior analysis in another state or province of Canada; or (2) meets other qualifications established by the secretary. A temporary license holder may only practice applied behavior analysis for a limited period of time, as defined by the secretary. [2015 c 118 § 8.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.090 License—Reciprocity. An applicant holding a license in another state or a province of Canada may be licensed to practice in this state if the secretary determines that the licensing standards of the other state or province are substantially equivalent to the licensing standards in this chapter. [2015 c 118 § 9.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.100 Uniform disciplinary act—Application. The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of a license or certification, and the discipline of persons licensed or certified under this chapter. [2015 c 118 § 10.]

Effective date—2015 c 118: See note following RCW 18.380.010.

RCW 18.380.110 Authority of secretary. The secretary, in consultation with the committee, may adopt rules under chapter 34.05 RCW as necessary to implement this chapter, including rules:

- (1) Establishing continuing competency as a condition of license or certification renewal;
- (2) Establishing standards for delegation and supervision of licensed assistant behavior analysts and certified behavior technicians; and
- (3) Defining the tasks that a certified behavior technician may perform. [2015 c 118 § 11.]

Effective date—2015 c 118: See note following RCW 18.380.010.