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SENATE BILL 5974

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State of Washington

65th Legislature

2017 3rd Special Session

By Senator Kuderer

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

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

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

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

10 (1) "Authorized supervisor" means:

11 (a) A licensed behavior analyst; or

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

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

1       ~~((+2))~~ (3) "Committee" means the Washington state applied  
2 behavior analysis advisory committee.

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

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

8       ~~((+5))~~ (6) "Licensed behavior analyst" means an individual who  
9 is licensed under this chapter to engage in the practice of applied  
10 behavior analysis.

11       ~~((+6))~~ (7)(a) "Practice of applied behavior analysis" means:

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

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

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

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

30       ~~((+7))~~ (8) "Secretary" means the secretary of the department of  
31 health.

32       **Sec. 2.** RCW 18.380.050 and 2015 c 118 s 5 are each amended to  
33 read as follows:

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

37       (a) For a licensed behavior analyst:

38       (i) Graduation from a master's or doctorate degree program in  
39 behavior analysis or other natural science, education, human

1 services, engineering, medicine, or field related to behavior  
2 analysis approved by the secretary;

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

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

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

11 (b) For a licensed assistant behavior analyst:

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

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

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

20 (c) For a certified behavior technician:

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

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

24 (d) Demonstrates good moral character;

25 (e) Has not engaged in unprofessional conduct as defined in RCW  
26 18.130.180;

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

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

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

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

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

3           NEW SECTION.   **Sec. 3.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of  
5 the state government and its existing public institutions, and takes  
6 effect July 1, 2017.

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