

2019 Regular Session

SENATE BILL NO. 78

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS. Provides relative to behavioral health services provided to students. (8/1/19)

1 AN ACT

2 To amend and reenact R.S. 17:173(B)(2) through (4) and (C), relative to behavioral health
3 services provided to students; to provide relative to behavioral health services
4 provided by licensed behavior analyst; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:173(B)(2) through (4) and (C) are hereby amended and reenacted
7 to read as follows:

8 §173. Behavioral health services for students

9 A. * * *

10 B. For purposes of this Section, the following terms shall have the following
11 meanings:

12 * * *

13 (2) "Behavioral health provider" shall mean a provider who is licensed by the
14 Louisiana Department of Health or a ~~health profession~~ **professional** licensing board
15 and is in good standing to provide behavioral health services in Louisiana including
16 but not limited to a psychiatrist, psychologist, medical psychologist, licensed
17 specialist in school psychology, marriage and family therapist, professional

1 counselor, clinical social worker, **and behavior analyst**, or a behavioral health
2 provider organization licensed to provide behavioral health services in Louisiana.

3 (3) "Behavioral health services" shall include but not be limited to individual
4 psychotherapy, family psychotherapy, psychotropic medication management,
5 community psychiatric support and treatment, ~~and~~ crisis intervention, **and applied**
6 **behavior analysis**.

7 (4) "Evaluator" shall mean a licensed psychiatrist, psychologist, medical
8 psychologist, licensed specialist in school psychology, professional counselor,
9 marriage and family therapist, ~~or~~ clinical social worker, **or behavior analyst** who
10 is certified by the respective board of examiners in Louisiana to provide necessary
11 evaluations and who is not an employee of the public school governing authority or
12 the state Department of Education.

13 C. Nothing in this Section shall be construed to supersede the authority of a
14 student's Individualized Education Program team or Section 504 committee to
15 determine appropriate services for a student pursuant to applicable federal and state
16 law, **or the licensure requirements established by state law or a professional**
17 **licensing board**.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 78 Original

2019 Regular Session

Martiny

Present law provides for student behavioral health services to be provided during school hours if requested and paid by a student's parent or legal guardian.

Present law provides definitions of behavioral health services, behavioral health providers and evaluators and includes a partial listing of services and occupations included in each definition.

Present law provides requirements for providers including liability insurance coverage, criminal background checks, and reporting of students' progress. Further requires a written treatment plan.

Present law requires each public school governing authority to develop policies for implementation of the law.

Proposed law retains present law and adds "behavior analyst" to the definition of "behavior health provider" and "evaluator". Further includes "applied behavior analysis" in the definition of "behavioral health services".

Present law shall not supersede the authority of a student's Individualized Education Program team or Section 504 committee licensure or requirements established by federal or state law.

Proposed law retains present law and further provides section shall not supersede the licensure requirements established by state law or a professional licensing board.

Effective August 1, 2019.

(Amends R.S. 17:173(B)(2) through (4) and (C))