

Chapter 246-805 WAC

APPLIED BEHAVIOR ANALYSIS

Last Update: 4/23/18

WAC

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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.~~

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

(3) "Clinical Supervisor" means:

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

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

~~(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.~~

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

(85) "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.

(96) "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.~~

~~(117)~~ "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.~~

~~(138)~~ "Secretary" means the secretary of the department of health or the secretary's designee.

~~(149)~~ "Trainee" means a person who is obtaining supervised experience as an LBA as described in WAC 246-805-130 or as a LABA as described in WAC 246-805-230 or a person who is participating in a behavior technician training program described in WAC 246-805-310.

(10) "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, or the program the CBT trainee is administering, during a certified behavior analyst training program.

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-010, filed 3/27/17, effective 4/27/17.]

~~WAC 246-805-020 Supervision disclosure. Supervision disclosure. Prior to providing services to a client, an LADA and a CBT must disclose in writing the supervisor's name and contact information.~~

~~Documentation of disclosure must be maintained in the client file.~~

~~[Statutory Authority: RCW 18.380.050 and 18.380.110. WSR 17-12-084, § 246-805-020, filed 6/5/17, effective 7/1/17.]~~

WAC 246-805-025 Approval of national accredited professional credentialing entities. National accredited professional credentialing entities meeting the requirements described in this section are approved by the secretary.

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(1) The national accredited professional credentialing entity is an organization whose program to certify professional practitioners of applied behavior analysis meet the qualifications for ABA practitioners set in Washington law and rule; and

(2) The organization is accredited by an accreditation body that assures the following standards are met:

(a) The organization is autonomous and independent of other organizations in making decisions about its credentialing programs.

(b) If the organization is a nonprofit organization.

(i) The organization's bylaws or other governance documents are available to the public; and

(ii) The organization's board of directors consist mostly of credentialed behavior analysts plus one or more consumers of ABA services or members of other professions.

(c) That there is an executive director or CEO that has a background in behavior analysis.

(d) The organization avoids conflicts of interest in determining who receives a certification.

(e) The organization has records retention and management practices that follow legal guidelines and assure confidentiality for privileged and confidential information.

(f) The organization conducted job analysis studies for identification of the knowledge and competencies required for the credentials, including:

(i) A published summary; and

(ii) Clearly defined, appropriate methodology; and

(iii) The study methods, results and outcomes are published;

and

(iv) The job analysis studies are repeated periodically.

(g) There is a comprehensive outline of the knowledge and competencies (task list) resulting from the job analysis study which includes a description of the practice of behavior analysis generally, without restriction or reference to any client or service recipient populations.

(h) There is a requirement to pass an objective, valid and reliable professional exam in the subject matter of ABA and that:

(i) The examination has content clearly derived from the outline of knowledge and competencies; and

(ii) The examination items and examination construction have appropriate design, documentation and meets exam specifications; and

(iii) The content is comparable and fair among the different forms of the examination; and

(iv) The organization has valid, reliable, and passing scores available for the examination that include documented psychometric procedures for scoring, interpreting, and reporting the results that allow candidates to receive information about how their score performs against the passing standard; and

(v) The organization has procedures for assuring the security of the examination items and monitors compliance with these procedures.; and

(vi) The organization has sufficient procedures in place to assure test delivery is fair and proctors do not have a conflict of interest.

(i) The organization requires continuing education to maintain a credential.

(j) The organization has ethical and disciplinary standards for those who hold the credential and that those standards are enforced.

(3) If the standards used by the accreditation body are not readily available to the Department of Health or if there is a cost associated with obtaining the standards, the national accredited professional credentialing entity must cause the accreditation body to send the standards to the Department of Health.

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LICENSED BEHAVIOR ANALYST

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; and

(4) Proof of:

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

or

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

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

(ii) Successful completion of a minimum of two hundred twenty-five 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 offered by a secretary approved national accredited professional credentialing entity as meeting the requirement in RCW 18.380.050 (1) (iv).

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-100, filed 3/27/17, effective 4/27/17.]

WAC 246-805 110 Licensed behavior analyst—Recognized educational programs. The department will accept a master's degree in any discipline listed in WAC 246-805-100(3)(c)(i) from an institution accredited by the Council for Higher Education Accreditation or United States Department of Education as meeting the requirements under RCW 18.380.050 (1)(a)(i) for applicants applying for an LBA credential.

WAC 246-805-120 Licensed behavior analyst—Required topics

for classroom hours. (1) An applicant for initial licensure as an LBA shall complete a minimum of two hundred twenty-five classroom hours of instruction in specific behavior analysis topics from a recognized educational institution in compliance with WAC 246-805-110. Topics must include the following content areas and the minimum number of hours specified:

(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;

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

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

(f) Forty-five hours are discretionary but must be behavior analysis topics.

(2) Classroom hours under this section may be taken in addition to the applicant's master's degree program if the hours are part of a verified course sequence. "Verified Course Sequence" means a set of courses that have been verified by the Association for Behavior Analysis International, or other organizations approved by the Secretary, as meeting specific coursework requirements, content hours, and faculty standards.

WAC 246-805-130 Licensed behavior analyst—Supervised experience. (1) Prior to submitting an application to the department, an applicant for initial licensure for an LBA license shall complete a minimum of one thousand five hundred hours of supervised experience in behavior analysis.

(2) The LBA trainee must be enrolled in or have completed the requirements contained in WAC 246-805-120 to be eligible to begin the required supervised experience as an LBA trainee.

(3) (a) The LBA trainee must 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 LBA trainee must participate in supervised experience at least ten hours and no more than thirty hours per week.

(c) At least five percent of the total monthly hours of supervised experience must be under the supervision of a supervisor who meets the qualifications in subsection (5) of this section.

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

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

(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 equivalent to a LBA from a secretary approved national accredited professional credentialing entity; and

(c) Is not 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.

(5) Supervision shall include:

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

(b) Observing the LBA trainee by synchronous (real time) 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.

(6) 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 fifty 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 LBA trainee must 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 shall 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 (5) of this section;

(d) Brief description of supervision activities; and

(e) Signatures of both the training program supervisor and LBA trainee.

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

LICENSED ASSISTANT BEHAVIOR ANALYST

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) The name of the clinical supervisor as Pproof of ongoing supervision that meets the requirements in RCW 18.380.050 (2);~~

~~(4) Fees as required in WAC 246-805-990; and~~

~~(5) Proof of:~~

~~(a) Current certification as a BCaBA from the BACB, equivalent to the licensed assistant behavior analyst from a secretary approved national accredited professional credentialing entity. Verification must be sent directly to the department from the BACB secretary approved national accredited 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 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.
[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-200, filed 3/27/17, effective 4/27/17.]

WAC 246-805-210 Licensed assistant behavior analyst—

Recognized educational programs. The department will accept a bachelor's degree in any discipline from an institution accredited by the Council for ~~higher~~ Higher ~~education~~ Education ~~accreditation~~ Accreditation or United States Department of Education as meeting the requirements under RCW 18.380.050 (1)(b)(i) for applicants applying for an LABA credential.
[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-210, 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 a minimum of one hundred thirty-five 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 a verified course sequence. "Verified Course Sequence" means a set of courses that have been verified by the Association for Behavior Analysis International, or other organizations approved by the Secretary, as meeting specific coursework requirements, content hours, and faculty standards.

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-220, 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 for initial licensure for an LABA license shall complete a minimum of one thousand 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 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 participate in supervised experience at least ten hours and no more than thirty 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~~ be a training program supervisor for a LABA trainee if he or she:

(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 secretary approved national accredited 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 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 by synchronous (real time) 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 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 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 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.

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-230, filed 3/27/17, effective 4/27/17.]

WAC 246-805-240 Licensed assistant behavior analyst—

Continuing supervision. (1) A LABA must 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 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 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.

[Statutory Authority: RCW 18.380.050 and 18.380.110. WSR 17-12-084, § 246-805-240, filed 6/5/17, effective 7/1/17.]

WAC 246-805-250 Supervision disclosure. Prior to providing services to a client, a LABA must disclose in writing the training program or clinical supervisor's name and contact information to the client or the client's parent or legal guardian, if applicable.

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.

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

BEHAVIOR TECHNICIAN CERTIFICATION

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;
- (2) Proof of being at least eighteen 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~~4) Proof of:

~~(a) Current registration as a RBT from the BACB.~~

~~Verification must be sent directly to the department from the BACB; or~~

(~~a~~b) Current behavior technician registration or certification from a ~~nationally accredited professional credentialing entity accepted by the secretary~~secretary approved national accredited professional credentialing entity.

Verification must be sent directly to the department from the secretary approved national accredited professional credentialing entity ~~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~~4) (a) of this section;

(ii) Experiential learning as outlined in subsection (~~3~~4) (b) of this section; and

(iii) Evaluation and assessment as outlined in subsection (~~3~~4) (c) of this section.

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

(~~7~~6) Fees as required in WAC 246-805-990.

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-300, 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 secretary approved national accredited professional credentialing entity under WAC 246-805-300 (~~54~~) (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) A~~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 individual ~~active BCBA~~ who ~~meets the supervisor requirements of the BACP~~holds a certification equivalent to an LBA from a secretary approved national accredited 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

~~(Eiii)~~ Responsible for the training program, who will be referred to as the "training program supervisor," and shall:

(3) The training program supervisor shall:

~~(Ia)~~ 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.

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

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

~~(34)~~ The behavior technician training program must be at least forty 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 shall include verification of classroom training content.

~~(45)~~ After the trainee demonstrates entry level competency, as provided in subsection ~~(34)~~ (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 work 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 signed by the client or client's parent or legal guardian and placed ~~with~~ in the client's file~~treatment plan or other documentation that must include the supervisor's name and contact information.~~

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

(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.

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-310, 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.

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-320, filed 3/27/17, effective 4/27/17.]

WAC 246-805-330 Certified behavior technician—Continuing

supervision. (1) A CBT must work under close, ongoing supervision ~~of an LBA or LABA~~ for each client receiving ABA services. “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) A clinical supervisor:

(a) Must 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 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 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.~~ Observation must be either on-site or by videoconference. This supervision and observation must include but is not limited to:

~~(c) 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;~~

(ci) 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

(eii) Observing the CBT with each client on his or her caseload at least once every ~~three months~~ six weeks.

[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-330, filed 3/27/17, effective 4/27/17.]

WAC 246-805-340 Supervision Disclosure. Prior to providing services to a client, a CBT must disclose in writing the supervisor's name and contact information.

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.

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

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WAC 246-805-400 General ~~Continuing~~ continuing education requirements for an LBA and LABA. An LBA ~~or LABA~~ must attest to completing the continuing education (CE) requirements in WAC 246-805-401 and an LABA must attest to completing the CE

requirements in WAC 246-805-402 ~~this section~~ 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.~~

The general requirements are:

~~(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 LABA 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 LABA.~~

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

(52) 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 CE hours.

(ii) One academic quarter credit is equivalent to ten 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 secretary approved national accredited professional credentialing entity.

(ii) Courses from providers not approved by a ~~national certification board affiliated with behavior analysis~~secretary approved national accredited 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 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.

[Statutory Authority: RCW 18.380.110. WSR 18-10-016, § 246-805-400, filed 4/23/18, effective 5/24/18.]

WAC 246-805-401 Continuing education requirements for an LBA. Continuing education requirements for an LBA must be met in one of the following ways:

(1) Maintaining certification from a secretary approved national accredited professional credentialing entity that requires CE as part of certification, or

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

WAC 246-805-402 Continuing education requirements for an LABA. Continuing education requirements for an LABA must be met in one of the following ways:

(1) Maintaining certification from a secretary approved national accredited professional credentialing entity that requires CE as part of certification, or

(2) Completing 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 LABA.

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

WAC 246-805-410 Continuing competency requirements for a

CBT. (1) A CBT must attest to:

(a) ~~completing~~ Completing the continuing competency requirements in this section as a condition of renewing the certification~~—, or~~ or

(b) That the CBT is not currently working at the time of the renewal.~~The requirements in this section are effective for a certification renewed on or after July 1, 2018.~~

(~~1~~2) A CBT must complete continuing education or demonstrate continuing competency by either:

(a) Maintaining certification from ~~the BACB or another national certification board approved by the~~ a secretary approved national accredited professional credentialing entity; or

(b) Within three months 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.

(3) A CBT who attests to not working at the time of renewal must, within three months of obtaining employment as a CBT obtain an assessment by the LBA or LABA or otherwise qualified supervisor as described in section (2)(b) above.

(24) A CBT shall comply with the requirements of chapter 246-12 WAC, Part 7 to include keeping records documenting continuing competency compliance for four years and shall, upon request, provide documentation—upon request of meeting section (2) or section (3) above. Documentation of meeting section (3) must include documentation of the date the CBT started work as a CBT.

(35) A CBT shall comply with the requirements of chapter 246-12 WAC, Part 7.

[Statutory Authority: RCW 18.380.110. WSR 18-10-016, § 246-805-410, filed 4/23/18, effective 5/24/18.]

WAC 246-805-510 Reciprocity.

A credential may be issued to an individual from another state to a credential holder if that state requires qualifications

substantially equivalent to qualifications in Washington. To obtain a license, applicants must submit:

- (1) A completed application on forms provided by the department;
- (2) Fees as required in WAC 246-805-990;
- (3) A verification form, or other equivalent document, from a state that requires qualifications substantially equivalent to Washington qualification that verifies the applicant is currently licensed and confirms licensure status. The verification must show that the license is active, unrestricted and is not subject to denial or issuance of a conditional or restricted license; and
- (4) Verification forms, or other equivalent document, 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. The verifications must show that the license is active, unrestricted and is not subject to denial or issuance of a conditional or restricted license

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WAC 246-805-520 Licensed behavior analysts - Temporary license.

Temporary licenses are available for applicants 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 DOH 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 six months 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 six months after the temporary license is issued.

(4) To receive a temporary license, the applicant shall submit to DOH:

(a) Fees and a completed application for the permit;

(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.

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.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Licensed behavior analyst	

Title of Fee	Fee
<u>Initial application (original or reciprocity)</u>	
Application and initial license	\$250.00
Active license renewal	
Renewal	350.00
Late renewal penalty	175.00
<u>Expired license reissuance</u>	<u>175.00</u>
<u>Temporary License</u>	<u>50.00</u>
Duplicate license	30 10.00
Verification of license	30 25.00
Licensed assistant behavior analyst	
<u>Initial application (Original or reciprocity)</u>	
Application and initial license	160.00
Active license renewal	
Renewal	175.00
Late renewal penalty	90.00
<u>Expired license reissuance</u>	<u>90.00</u>
Duplicate license	30 10.00
Verification of license	30 25.00
Certified behavior technician	
<u>Original Application (Original or reciprocity)</u>	
Application and initial license	95.00
Active license renewal	
Renewal	150.00
Late renewal penalty	75.00
<u>Expired license reissuance</u>	<u>75.00</u>
Duplicate license	30 10.00
Verification of license	30 25.00

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[Statutory Authority: Chapter 18.380 RCW, RCW 18.122.050 and 43.70.250. WSR 17-08-018, § 246-805-990, filed 3/27/17, effective 4/27/17.]