



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

Applied Behavior Analyst Rules Workshop
Agenda
September 15, 2020

Time: 10:00 a.m.

Location: Department of Health
Online meeting via Microsoft Teams Meeting

Contact Person: Kendra Pitzler, Program Manager
(360) 236-4723

OPEN SESSION:

1. Introductions and Rules for Virtual Workshop
2. Review of rules with recommendations from the Applied Behavior Analysis Advisory Committee.
3. Review of rules relating to a petition from the Washington State Psychological Association (WSPA).

Chapter 246-805 WAC

APPLIED BEHAVIOR ANALYSIS

DRAFT

Committee Request

September 15, 2020

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.

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

(6)

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

(8) "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.

(9) "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.

(11) "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.

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

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

(15) "Training Program Supervisor" means:

(a) A supervisor in charge of a LABA trainee, or the program the LABA trainee is administering, during the supervised experience portion of training; or

(b) A supervisor in charge of a CBT trainee, or the program the CBT trainee is administering, during a certified behavior analyst training program.

(16) "Work 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.

[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. Prior to providing services to a client, an LABA and a CBT must disclose in writing the training program supervisor or work supervisor's name and contact information. Documentation of disclosure must be maintained in the client file.

The supervision disclosure must be updated and shared with the client(s) whenever the LABA or CBT has a new training program or work supervisor. The supervision disclosure must be reviewed at least once per year and updated and shared if

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

[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.]

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) Fees as required in WAC 246-805-990; and
- (3) Proof of:
 - (a) Current BACB certification as a BCBA. Verification must be sent directly to the department from the BACB; or
 - (b) Meeting the requirements in RCW 18.380.050 (1) (a) including:
 - (i) A master's or doctorate degree in behavior analysis or other natural science, education, human services, engineering, medicine, or field related to behavior analysis approved by the

secretary. The master's or doctorate degree must be from an institution accredited by the council for higher education accreditation or United States Department of Education. An official transcript must be provided as evidence of the degree required;

(ii) Successful completion of a minimum of two hundred seventy classroom hours of graduate level instruction in behavior analysis topics. 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; and

(iv) Successful completion of the national BCBA examination 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.]

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 ongoing supervision as required in RCW 18.380.050(2);

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

(4) Proof of:

(a) Current certification as a BCaBA from the BACB.

Verification must be sent directly to the department from the BACB; 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 education 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 one hundred eighty

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) Fifteen hours of ethical and professional conduct;
- (b) Forty-five hours of concepts and principles of behavior analysis;
- (c) Fifteen hours of research methods in behavior analysis;
- (d) Forty-five hours of fundamental elements of behavior change & specific behavior change; and
- (e) Thirty hours of problem and assessment.
- (f) Fifteen hours of intervention and behavior change considerations, behavior change systems and implementation, management and supervision.
- (g) Fifteen hours are discretionary.

(2) Classroom hours under this section may be taken as part of or in addition to the applicant's bachelor's degree program but must be degree-level courses.

[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 an 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; 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) An LABA must work under the supervision of an LBA for each client receiving ABA services.

(2) A work supervisor shall:

(a) Hold an active license in good standing as a Washington state LBA; and

(b) Be responsible and accountable for the services an LABA provides to clients.

(3) The LABA and the work 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 work 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 work supervisor;

(c) Type and frequency of supervision; and

(d) Signature of both the work supervisor and supervisee.

(4) The work 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.]

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:

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

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

(b) Current behavior technician registration or certification from a nationally accredited professional credentialing entity accepted by the secretary. Verification must be sent directly to the department from the credentialing entity; or

(c) 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) (a) of this section;

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

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

(6) Proof of ongoing supervision that meets the requirements in RCW 18.380.050(2); and

(7) 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 registration under WAC 246-805-300 (5) (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 CHEA or U.S. Department of Education; or

(b) Affiliated with an agency, business or individual that:

(i) Has a training program supervisor, or another LBA or LABA assigned by the training program supervisor, within sight and hearing and available for immediate intervention when the trainee is working with clients. Immediate intervention must be done in person.

(ii) Has a training program supervisor who is:

(A) An LBA who holds a current and active credential in good standing with at least one year of full-time work experience; or an active BCBA with at least one year of full-time work experience;

(B) Responsible for the conduct of the trainee at all times when working with clients under his or her supervision; and

(C) Responsible for the training program and shall:

(I) Not be related to, subordinate to, or employed by the trainee during the training period. Employment does not include

compensation received by the training program supervisor from the trainee for supervision services.

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

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

(3) 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.

(5) Prior to or at the time of the first visit with a client, the training program 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 within the client's treatment plan or other documentation that must include the training program supervisor's name and contact information.

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

(7) 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.

(8) Upon successful completion of the training program, the training program supervisor will sign an attestation that the trainee has completed the behavior technician training.

[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;

(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; and

(b) Immediately discontinue and notify the supervising LBA or LABA 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 supervision" means procedures or tasks that are performed under a work supervisor's overall direction and control. The work supervisor must be accessible, but the work supervisor's presence is not required during the performance of the procedures or tasks.

(2) A work supervisor:

(a) Must hold an active license in good standing as an LBA or LABA; 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 work 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 work 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 work supervisor and supervisee.

(4) The work supervisor shall review the CBT's progress with the CBT as necessary but at least every six months.

(5) The work 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 supervision for a minimum of five percent of the CBT's hours with clients per month that includes but is not limited to: (

(i) Observing the CBT at least once per month when CBT is providing services to clients. Observation may occur in-person, on-site or by videoconferencing; and

(ii) Observing the CBT with each client on his or her caseload at least once every three months. Observation may occur in-person, on-site or by videoconferencing.

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

(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.

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

(5) 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.

(ii) Courses from providers not approved by a national certification board affiliated with behavior analysis 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) An LBA and LABA shall comply with the requirements of chapter 246-12 WAC, Part 7; and shall keep and 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 246-805-410 Continuing competency requirements for a CBT. A CBT must attest to completing the continuing competency requirements in this section as a condition of renewing the certification. The requirements in this section are effective for a certification renewed on or after July 1, 2018.

(1) 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 secretary; 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.

(2) A CBT shall keep and provide documentation upon request.

(3) 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 246-805-990 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	
Initial application	
Application and initial license	\$250.00
Active license renewal	
Renewal	350.00
Late renewal penalty	175.00
Duplicate license	30.00
Verification of license	30.00
Licensed assistant behavior analyst	
Initial application	
Application and initial license	160.00
Active license renewal	
Renewal	175.00
Late renewal penalty	90.00
Duplicate license	30.00
Verification of license	30.00
Certified behavior technician	
Original application	
Application and initial license	95.00
Active license renewal	
Renewal	150.00
Late renewal penalty	75.00
Duplicate license	30.00
Verification of license	30.00

[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.]

DRAFT LANGUAGE – ABA PROFESSION

Temporary practice permits.

Temporary practice permits for applicants seeking licensure for interim placement at specific facilities.

(a) A temporary practice permit may be issued to an applicant who meets the following conditions:

(i) Holds an active, unrestricted active credential to practice as a LBA issued by another state;

(ii) Is not subject to denial of a credential or issuance of a conditional or restricted license; and

(iii) 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.

(b) The temporary practice permit allows the applicant to work in the state of Washington during the time specified on the permit. The temporary practice permit grants the applicant a license to practice within the full scope of practice of the LBA license they have received with the following conditions:

(i)

(ii)

(c) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when one of the following occurs:

(i) Ninety days after the temporary practice permit is issued.

(ii)

(d) To receive a temporary practice permit, the applicant shall submit to DOH:

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

(ii) Verification from each state in which the applicant is currently licensed and is in good standing.

Questions for Stakeholders:

- 1) Reasons to have or not have a temporary license.
- 2) Should there be less requirements to get the temporary license than for a permanent license? (ie: What does the Department need to wait for in order to issue the temporary license?) This could allow the license to be issued quicker. At this time, the department requires for LBA's either proof of BCBA or transcript and proof of successful completion of training and passing the BACB's LBA exam, as well as an out-of-state verification form from the state they are licensed in.

For LABA's, requirements are for proof of continuing supervision, out-of state verification from other states and either proof of BCaBA from the BACB OR transcripts, and proof of supervised experience and verification of licensure in other states. For CBT, requirements are for Proof of being 18 or older, proof of high school diploma or equivalent, proof of continuing supervision, and either proof RBT certification directly from BACB or proof of successful completion of a behavior technician training program.

- 3) Should the temporary license have restrictions? (Is there something that shouldn't be done with this licensee? Or should there be conditions to the licensee who holds a temporary license? (NHA requires an administrator to be available for laws/rules and for the license to be connected to a facility.)
- 4) How long should a temporary license be good for?
- 5) Should someone be able to hold a temporary license more than one time? If so, should there be a specific limitation on how long the first one (or the one before) should be expired before the next one can be issued (or applied for)?

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**Chapter 246-805 WAC
APPLIED BEHAVIOR ANALYSIS
SUPERVISION LANGUAGE
SEPTEMBER 15, 2020**

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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 an 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 with at least one year of full-time equivalency practice; or

(c) Holds a license issued by this state permitting the individual to practice psychology pursuant to Chapter 18.83 RCW, a certification by the American Board of Professional Psychology in behavioral and cognitive psychology, was tested in Applied Behavior Analysis and has at least one year of full-time equivalency practice in ABA; and

(d) 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 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 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 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 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, § 24

WAC 246-805-240 Licensed assistant behavior analyst—

Continuing supervision. (1) An 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 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 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 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 supervisor;

(c) Type and frequency of supervision; and

(d) Signature of both the supervisor and supervisee.

(4) The 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 246-805-310 Behavior technician training program. An applicant who does not hold RBT registration under WAC 246-805-300 (5) (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) Affiliated with an agency, business or individual that:

(i) Has a supervisor within sight and hearing and available for immediate intervention when the trainee is working with clients.

(ii) Has a supervisor who is:

(A) An LBA who holds a current and active credential in good standing with at least one year of full-time equivalency practice; or

(B) An active BCBA with at least one year of full-time equivalency practice or

(C) An individual who holds a license issued by this state permitting the individual to practice psychology pursuant to Chapter 18.83 RCW, a certification by the American Board of Professional Psychology in behavioral and cognitive psychology, was tested in Applied Behavior Analysis and has at least one year of full-time equivalency practice in ABA; and is

(D) (B) Responsible for the conduct of the trainee at all times when working with clients under his or her supervision; and

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

(I) 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.

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

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

(3) 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.

(4) After the trainee demonstrates entry level competency, as provided in subsection (3) (c) of this section, supervision may be provided by any behavior analyst who meets the requirements of subsection (2) (b) (i) and (ii) (A) and (B) of this section.

(5) 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 within the client's treatment plan or other documentation that must include the supervisor's name and contact information.

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

(7) 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.

(8) Upon successful completion of the training program, the training program supervisor will sign an attestation that the trainee has completed the behavior technician training.

[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 and a written treatment and instructional program has been prepared by an LBA 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, or individual otherwise qualified to practice in ABA consistent with RCW 18.380.030(1); 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.

(2) A 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 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 supervisor and supervisee.

(4) The supervisor shall review the CBT's progress with the CBT as necessary but at least every six months.

(5) The supervisor shall:

(a) Meet in person with the CBT to provide guidance in working with new clients;

(b) Provide supervision for a minimum of five percent of the CBT's hours with clients per month;

(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;

(d) Observe the CBT at least once per month when CBT is providing services to clients. Observation may occur in-person, on-site or by videoconferencing; and

(e) Observe the CBT with each client on his or her caseload at least once every three months.

[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.]

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