

POTPOURRI
Department of Health
Behavior Analyst Board

Notice of Public Hearing
Substantive Changes to Proposed Rule
Behavior Analysts (LAC 46:VIII.Chapter 2)

Under the authority of Chapter 60. Behavior Analysts §3704. Powers and duties A. (4), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the executive director gives notice that the board is seeking to incorporate substantive changes to proposed regulation (LAC 46:VIII.Chapter 2), which was originally published as a Notice of Intent in the *Louisiana Register* Volume 50, No. 2 February 20, 2024, pages 301-303.

The board has proposed substantive changes to address comments received during the public comment period of proposed Rule and during the final review by the Occupational Licensing Review Commission. The changes clarify the proposed Rule language. In the interest of clarity and transparency, the board is providing public notice and

opportunity to comment on the proposed changes of the Rule in question.

A strikeout/underline/shaded version of the proposed Rule that distinguishes original language from language changed by this proposal are available on the board's website at <https://www.lababoard.org> on the Rule Making page. The following changes are to be incorporated into the Notice of Intent:

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part VIII. Behavior Analysts

Chapter 2. Behavior Analysis

§202. Professional Standards

A. A licensed behavior analyst is authorized to engage in the practice of applied behavioral analysis as set forth in the Practice Act and in accordance with the board's rules. A licensed behavior analyst and/or a state certified assistant behavior analyst possesses property rights.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3703

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

§204. Telehealth Standards

A. ...

B. Applied behavior analysis delivered through telehealth between a licensee and client, separated by distance shall be in compliance with R.S. 40:1223.1 et seq., known as the "Louisiana Telehealth Access Act", including any amendments thereto. Applied behavior analysis via electronic means shall be held to the same accepted standards as those in traditional (face-to-face) settings. Utilization of interactive audio without the requirement of video must be determined by the licensee to meet the same standard of care and not be compromised by the use of telehealth or violate R.S. 40:1223.1.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3703

HISTORICAL NOTE: Promulgated by the Department of Health, Behavior Analyst Board, LR 50:

Public Comments

All interested persons are also invited to submit written comments on the substantive changes to Rhonda Boe at the address given above. Persons commenting should reference this proposed regulation as Telehealth Standards. She is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. The deadline for receipt of all written comments is 10 a.m. on Friday, November 15, 2024.

Public Hearing

The board will hold a public hearing on November 20, 2024 at 2 p.m. at 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, Louisiana for the public to comment on the proposed changes. Interested persons are invited to attend in person. Should individuals with a disability need an accommodation in order to participate, contact Rhonda Boe at the address given above, or at 225-295-8413.

Rhonda Boe
Executive Director

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