

**OFFICE OF POLICY AND LEGAL ANALYSIS**

Date: May 3, 2021  
 To: Joint Standing Committee on Health & Human Services  
 From: Erin Dooling, Esq., Legislative Analyst

	<b>LD 1302 Resolve, To Change the Educational Requirements of Certain Behavioral Health Professionals</b>	<b>LD 1424 Resolve, To Change the Educational Requirements of Behavioral Health Professionals Providing Services for Children</b>
<b>Rule chapters affected</b>	<a href="#">Section 65</a>	<a href="#">Section 65</a> & <a href="#">Section 28</a>
<b>BHPs affected</b>	BHPs who are employees of and providing services for children’s home and community-based treatment & school-based programs	All BHPs providing services for children, regardless of the setting in which the service is provided
<b>Educational requirements</b>	1. Min. 60 higher ed hours in a related field of social services, human services, health or education; or 2. Min. 90 higher ed hours in an unrelated field and with the program provider required to have a specific plan for supervision & training documented in the employee’s personnel file; or 3. H.S. diploma or equivalent and a min. 3 yrs direct experience working with children in a behavioral health children services program and with the program provider required to have a specific plan for supervision & training documented in the employee’s personnel file.	1. Min. 60 higher ed hours in a related field of social services, human services, health or education; or 2. Min. 90 higher ed hours in an unrelated field; or 3. H.S. diploma or equivalent with the provider agency required to have a specific plan for supervision & training documented in the employee’s personnel file.
<b>Current rules</b>	Requirements for BHP training and the time frames prescribed in rule not affected	Requirements for BHP training and the time frames prescribed in rule not affected
<b>Training within existing resources</b>	DHHS shall amend or establish contracts to train any number of individuals to become BHPs within existing resources and may charge individuals or their employees fees for training.	DHHS shall amend or establish contracts to train any number of individuals to become BHPs within existing resources and may charge individuals or their employees fees for training.
<b>Emergency legislation?</b>	Yes	No
<b>Effective date of rules</b>	January 1, 2022	October 1, 2021
<b>Fiscal impact</b>	Not yet determined	Not yet determined

## **ISSUES FROM TESTIMONY AND SUGGESTED AMENDMENT:**

- *DOE regarding BHPs in school-based settings:*
  - Would limit capacity of schools to provide quality school-based BHP programming options
  - These services are required to be provided this medically necessary service in order to access their education
  - Would require direct supervision of all school-based BHPs at all times, which means fewer students could be serviced
  - Legislation conflicts with DOE rules related to responsibilities and supervision requirements of the three levels of Education Technicians
- **Suggested amendment:** Include a provision for children’s school-based BHP treatment conditional certification (requiring 90 credit hours and Education Technician III certification) for applicants meeting some certification requirements, with a plan and timeline to complete the remainder of the certification requirements, similar to the structure currently in place for conditional special education teacher certification

## **RELATED ADDITIONAL INFORMATION:**

- Similar legislation from last session: [Resolves 2019, ch. 99 \(LD 1007, 129th\)](#)