

**APPLIED BEHAVIORAL ANALYST LICENSING COMMITTEE
MEETING MINUTES**

DATE: January 25, 2016
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
665 Mainstream Drive, Poplar Room
Nashville, TN 37243

COMMITTEE MEMBERS

PRESENT: Mary Annette Little, Ph.D., BCBA-D, Chair
Melissa Switzer, Ph.D., BCBA-D
Michael S. Tonos, M.S., BCBA
Tammy Davis, BCABA

STAFF

PRESENT: Tammy Turner, Board Administrator
Teddy Wilkins, Administrative Director
Paetria Morgan, Assistant General Counsel

Dr. Little called the meeting to order at 9:04 a.m. A roll call vote was conducted and a quorum was present.

Rulemaking Hearing

A rulemaking hearing was held for the new rules for the Applied Behavior Analyst Licensing Committee. The rulemaking hearing was called to order at 9:06 a.m. Ms. Morgan stated the purpose of the rulemaking hearing is to establish new chapter 1180-05. Ms. Morgan read the following new proposed rules into record:

- 1180-05. General Rules Governing the Practice of Licensed Behavior Analysts and Licensed Assistant Behavior Analysts.
- 1180-05-.01 Definitions
- 1180-05-.02 Scope of Practice
- 1180-05-.03 Necessity of licensure
- 1180-05-.04 Qualifications of Licensure
- 1180-05-.05 Procedures for Licensure
- 1180-05-.06 Fees
- 1180-05-.07 Application Review, Approval, Denial and Interviews
- 1180-05-.08 Renewal of License
- 1180-05-.09 Retirement and Reactivation
- 1180-05-.10 Client Records
- 1180-05-.11 Mandatory Release of Client Records

- 1180-05-.12 Continuing Education
- 1180-05-.13 Professional Ethics
- 1180-05-.14 Actions, Civil Penalties and Settlements
- 1180-05-.15 Display and Replacement of License
- 1180-05-.16 Change of Address and/or Name
- 1180-05-.17 Committee Meetings, Officers, Consultants, Records, Declaratory Orders, and Screening Panels
- 1180-05-.18 Advertising and Other Public Statements.

Ms. Morgan asked for any public comments. Terri Flynn representing The Tennessee Association of Audiologists and Speech Language Pathologists proposed a change to Rule 1180-05-.02. Ms. Morgan advised the Committee that the Scope of Practice in Rule 1180-05-.02 was taken directly from the Tennessee statute and cannot be altered. Ms. Davis motioned not to accept their proposed change. Dr. Switzer seconded the motion. The motion carried.

Yvette Hachtel representing the Tennessee Occupational Therapy Association proposed a change to Rule 1180-05-.02 requesting to add language pertaining to “Occupational therapy practice.” Ms. Davis motioned not to change Rule 1180-05.02. Dr. Switzer seconded the motion. The motion carried.

Allison Crawford representing the Tennessee Association for Behavior Analysis commented on an error in Rule 1180-05-.10(b). “...licensed behavioral analysts” should be “licensed behavior analysts”. Dr. Switzer made a motion to correct the spelling error, Mr. Tonos seconded. The motion carried.

Frank Edwards representing the Tennessee Psychological Association commented on changes they would like to see made. Ms. Morgan advised Mr. Edwards that the changes they are suggesting relate to the statute and those cannot be changed at the rulemaking hearing and that if he had any changes pertaining to the rules set forth, the Committee would entertain those changes and conduct a vote. Mr. Edwards did not have any specific change requests.

John Williams, Attorney for the Tennessee Occupational Therapy Association proposed a change to the language in Rule 1180-05-.02. Ms. Davis made a motion to not modify the scope of practice. Dr. Switzer seconded the motion. The motion carried.

Ms. Morgan stated there were no further public comments.

Ms. Morgan advised the Committee that they would need to vote on the rule changes proposed at their previous Applied Behavior Analyst Committee Meeting held November 23, 2015.

The Committee proposed to include Tennessee law as part of the application and renewal process. Mr. Tonos made a motion to adopt the proposed language. Ms. Davis seconded. The motion carried.

The Committee proposed to add one (1) hour of cultural diversity to the continuing education requirement. Ms. Davis made a motion to adopt the addition. Dr. Switzer seconded. The motion carried.

Ms. Morgan stated that there is a typo on page fourteen (14) paragraph (h) line three. It currently reads “paragraph four (4) of this rule.” It should read: paragraph two (2) of this rule. Ms. Davis motioned to correct the typo on page fourteen (14) paragraph (h) line three. Dr. Switzer seconded. The motion carried.

Ms. Davis made a motion to accept the noted changes and adopt the new rules for the Applied Behavior Licensing Committee. Dr. Switzer seconded. A roll call vote was held, and the motion passed unanimously. Ms. Morgan adjourned the rulemaking hearing at 10:59 a.m.

Minutes

Mr. Tonos made a motion, seconded by Ms. Davis, to approve the November 23, 2015 meeting minutes . The motion carried.

Office of General Counsel

Ms. Morgan discussed the conflict of interest policy with the Committee reminding the members that if they have a conflict regarding any matters coming before them they must recuse themselves from the meeting.

Ms. Morgan gave the Committee an overview of the Complaint Process.

Ms. Morgan discussed suggestions made by the Board of Examiners in Psychology. Ms. Morgan advised the Committee that she will provide a status update on the rules to the Board of Examiners in Psychology at their meeting, March 17, 2016. The rules will be presented to the Board of Examiners in Psychology to be ratified.

Administrative Report

Ms. Turner stated the application packet for the Licensed Applied Behavior Analysts and Licensed Assistant Behavior Analysts is almost complete and will be sent to the forms committee for approval upon completion. A sample copy will be given to the Committee Members to view at the next meeting, May 23, 2016.

Financial Report

Ms. Wilkins read the financial report to the Committee.

Discuss Legislation

Ms. Morgan stated that HB1621/SB1497 extended the Committee to June, 2020.

New Business

Ms. Turner stated there is no new business to discuss.

Adjourn

With no other Committee business to conduct, Ms. Davis made a motion, seconded by Mr. Tonos, to adjourn at 11:24 a.m.

Adopted by the Applied Behavior Analyst Licensing Committee on this the 23rd day of May, 2016.