

## APPLIED BEHAVIORAL ANALYST LICENSING COMMITTEE

**DATE:** May 23, 2016  
**TIME:** 9:00 A.M.  
**LOCATION:** Health Related Boards Conference Center  
Poplar Room, 665 Mainstream Drive  
Nashville, TN 37243

### COMMITTEE MEMBERS

#### PRESENT:

Mary Annette Little, Ph.D., Chair  
Melissa Switzer, Ph.D., BCBA-Doctoral  
Michael S. Tonos, BCBA-Doctoral  
Catherine Terry, Ph.D., M. Ed., Consumer Member

### COMMITTEE MEMBERS

#### ABSENT:

Tammy Davis, BCABA

### STAFF

#### PRESENT:

James Hill, Board Administrator  
Teddy Wilkins, Unit 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.

Ms. Wilkins introduced Dr. Catherine Terry, the Committee's new consumer member.

The Committee members welcomed Ms. Terry.

Ms. Wilkins said Ms. Tammy Turner is no longer with the Department and introduced Mr. James Hill as the Committee's new Board Administrator. Ms. Wilkins stated Mr. Hill also has the Psychology Board and comes to the Committee with extensive experience working with numerous Health Related Boards.

The Committee members welcomed Mr. Hill.

## **Review/Approve Minutes**

Upon review of the January 25, 2016 Committee Minutes, Dr. Switzer made a motion, seconded by Mr. Tonos, to approve the minutes as written. The motion carried.

## **Office of Investigations**

Ms. Morgan stated there are no open cases, consent orders or agreed orders for the Committee's review.

Ms. Morgan discussed the Conflict of Interest Policy and asked the members if they feel they have a potential conflict of interest, in any matter coming before the Committee, to either recuse him or herself from the proceedings, or discuss the matter with her outside the meeting room.

Ms. Morgan reviewed the complaint review process. Ms. Morgan said the committee will select a consultant to meet with her during the case review process to review the complaint to determine if there has been a violation of the practice act. Ms. Morgan said the complaint will be reviewed a second time to determine there is a violation or if the complaint should be closed and, if the complaint is a violation of the practice act, it will come before the Committee as a Consent Order or Agreed Order. Ms. Morgan said if the complaint is not settled it will come before the Committee as a contested case hearing. Ms. Morgan said the hearing will be conducted by an administrative law judge and a court reporter to record minutes of the hearing. Ms. Morgan said the Committee members will serve as the jury.

Ms. Morgan stated if the respondent is found guilty at the hearing the case will go back to Nichelle Dorroh, with the Office of Investigations, to monitor the respondent to assure compliance. Ms. Morgan said if the respondent fails to comply with the order they are in violation of the Committee order and the case starts all over again.

Ms. Morgan stated that HB1621/SB1497 is now Public Chapter 609 and was signed by the Governor on March 22, 2016. Ms. Morgan said the Public Chapter changes the Committee's termination date from June 30, 2016 to June 30, 2022 and affects T.C.A. 63-11-303(f) to require Committee members to attend no less than 50% of the meetings. Ms. Morgan said if a member does not attend at least 50% of the meetings, the Chair must let the appointing authority know they are in violation of the attendance policy and steps will be taken to remove the member from the Committee.

Ms. Morgan said the Applied Behavior Analyst Licensing Committee rules were adopted by the Psychology Board at their March 17, 2016 meeting and are now in the AG's Office being reviewed for legality. Ms. Morgan said upon completion of the review they will go to the Secretary of State's Office where they will remain for ninety (90) days. Ms. Morgan stated that at some point, during the ninety (90) days, the Government Operations Committee (GOC) will conduct a rule review and upon approval by the GOC they will go into effect after the 90 days.

## **Financial Report**

Ms. Wilkins stated the report is through December 31, 2015 and Mr. Butch Jack will be at the next meeting to discuss the report.

Ms. Morgan said the Committee is in the red because being a new Committee there are no applications or source of revenue. Ms. Morgan said the major reason for being in the red is for administrative and legal fees to draft rules and getting the Committee up and running which incurs costs even though there are no application fees to offset the expense.

### **Administrative Report**

Mr. Hill stated once the application process begins the report will contain statistical information such as number of new applications, applications in process, newly licensed and renewals. Mr. Hill said the Committee's meeting dates and internet information will be included in the report.

Mr. Hill presented a draft of the new application for the Committee's review.

Mr. Hill asked those Committee members who have not signed the Conflict of Interest Statement to please do so and return the forms to him.

### **Legislative Report**

Ms. Lacy Blair, Legislative Liaison, stated PC 763 allows licensees whose licenses have expired to obtain reinstatement on the basis of a plan developed by the Department of Health for periodic payment of past due renewal fees and unattained continuing education instead of the current requirement of payment of all past due fees before reinstatement becomes effective July 1, 2016.

Ms. Wilkins stated some practitioners retire their license or move out of state and don't retire their license through the Board, because they don't realize if they return to Tennessee and want to reinstate their licenses that some Boards require repayment of all back licensure fees, which can be costly. Ms. Wilkins said the public chapter puts a cap on how much Boards/Committees can charge licensees.

Ms. Blair said PC 990 which requires an insurer to reimburse and provide coverage for telehealth services provided by a practitioner licensed in Tennessee regardless of the patient's location becomes effective January 1, 2017.

### **Review/Approve Behavior Analyst Application**

Ms. Wilkins stated the Committee's new application was taken from the Committee's licensure requirements and other Board's applications and used a majority of the Psychology Board's application. Ms. Wilkins stated they have also included a check list which lets the applicants know exactly what to submit with their application.

Dr. Switzer stated that on page five of the application one section said assistant applied behavior analyst and at the bottom of the page stated applied assistant behavior analyst.

Ms. Wilkins stated that would be changed to read assistant applied behavior analyst.

Mr. Tonos said on page three it references reciprocity and reciprocity doesn't exist with the committee.

Ms. Morgan said the reference to reciprocity is in the statute so they placed it on the application.

Mr. Tonos asked if the application would be on-line.

Ms. Wilkins stated it will be placed on the Committee's web site in PDF form.

Mr. Tonos stated there are less than five (5) assistants at this time.

Dr. Little suggested changing page six (6) to read current and previous employment.

Ms. Morgan stated the committee cannot introduce any new licensure requirements unless they are in the rules.

Ms. Wilkins stated the application will go before the forms committee for approval before posting on the Committee's web site.

#### **Discuss Legislation and Take Action if Needed**

There is no Legislation to discuss.

#### **Discuss New Business**

There is no New Business to discuss.

With no other Committee business to conduct, Dr. Switzer made a motion, seconded by Mr. Tonos, to adjourn at 9:40 a.m. The motion carried.

Adopted by the Applied Behavior Analyst Licensing Committee on this the 22<sup>nd</sup> day of August, 2016.