



Tennessee Applied Behavior Analyst Licensing Committee

Monday, August 19, 2024

MINUTES

The Board meeting of the Tennessee Applied Behavior Analyst Licensing Committee was called to order at 9:04 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Amanda Spiess, Committee Chair on Monday, August 19, 2024.

Board members present: Amanda Spiess, BCBA, Committee Chair
 Catherine Terry, Consumer Member
 Timothy Cripps, BCBA

Board member(s) absent: Elizabeth Ginder, BCBA
 Esther Bledsoe, BCBA

Staff present: Candyce Wilson, Board Director
 Katherine Trawick, JD, General Counsel

LEGISLATIVE UPDATE BY OLIVIA JOHNSON, DOH

PC.557 SB2074/HB1678

As enacted, transfers certain duties and authority regarding data reported by health facilities from the executive director of the health facilities commission to the department; requires licensed birthing centers to report claims data on discharges to the department at least quarterly; removes requirement that an owner of a hospital that closes must submit to the department a report of the statistical particulars relative to the hospital's patients for the fiscal year.

PC.561 SB2075/HB1679

As enacted, generally prohibits a licensed dentist from allowing, under general supervision, more than three dental hygienists to work at any one time; authorizes a dentist to supervise, under direct supervision, no more than five dental hygienists while the dentist and each hygienist are providing dental services on a volunteer basis through a nonprofit provider of free mobile clinics; authorizes a dentist to supervise, under general supervision, no more than five dental hygienists if the dentist and dental hygienists work for the department of health, a county or metropolitan health department, or an entity that participates in the state safety net program for the uninsured. Board of Dentistry Rules

PC.566 SB1595/HB1635

As enacted, prohibits emotional support animals that are not trained, or being trained, to perform tasks or work for a person with a disability from indoor areas of food service establishments.

PC678 SB1787/HB2327

As enacted, by May 31, 2025, and by each May 31 thereafter, requires the department of health to publish an annual report starting the total number of attempted suicides and completed suicides that have occurred in this state in the previous calendar year; requires the department to submit the report electronically to all members of the general assembly within seven calendar days of the publication.

PC.703 SB2445/HB2254

As enacted, adds three persons to the state child fatality review team who are each state residents with a child under 18 (The Governor, Speaker of the House, and Speaker of the Senate each get one of the 3 appointments) ; requires the state child fatality review team to distribute the team's annual report to each local education agency and to the board of the Tennessee Chapter of the American Academy of Pediatrics.

PC.761 SB2482/HB2773

As enacted, enacts the "Cassie Wright Act," which makes changes to law relative to a parent, legal guardian, or legal custodian having access to certain medical information of their unemancipated minor. Requires a health care professional who reports a threat of bodily harm or threat of committing suicide, by a service recipient who is an unemancipated minor, to law enforcement must also report to the unemancipated minors' parent, legal guardian, or legal custodian. Requires access to an unemancipated minors' prescription records unless the provider is required to report abuse or access to this information is reasonably likely to endanger the life or physical safety of the minor.

PC.767 SB1657/HB1846

As enacted, requires the department to submit an annual report to the governor stating the total number of firearm injuries and deaths caused by firearms in this state per 100,000 people that have occurred in the previous calendar year.

PC.783 SB1673/HB1625

As enacted, requires a qualified mental health professional or behavior analyst to warn or protect an identified victim or group of people when the professional or analyst determines that a service recipient has communicated an intent for actual threat of bodily harm; requires the professional or behavior analyst to report such threat; provides immunity from civil, criminal, and regulatory liability for a professional or analyst who takes reasonable action to warn or protect identified victims or groups and to report such threat.

PC.831 SB1766/HB1882

As enacted, requires a healthcare provider to provide to a patient or the patient's authorized representative a full copy of the patient's medical records within 10 working days of receipt of a written request by the patient or representative, instead of providing a full copy or a summary of the records; requires a healthcare provider to provide to a principal or an attorney in fact acting pursuant to a durable power of attorney for health care a full copy of the principal's medical records within 10 working days of receipt of a written request by the principal or attorney in fact, instead of providing a full copy or a summary of the records.

PC.944 SB2588/HB2097

As enacted, requires state regulatory boards within the department of commerce and insurance and state health related boards within the department of health to issue advisory opinions upon request.

PC.1027 SB1881/HB2857

As enacted, removes from the definition of "provider-based telemedicine" the requirement that the healthcare service provider or the provider's practice group or healthcare system have an established provider-patient relationship that is documented by an in-person encounter within 16 months prior to the interactive visit.

PC.1030 SB1963/HB2176

As enacted, permits a court to award the reasonable court costs and attorney's fees to a petitioner successfully proving that a governing body knowingly and willfully violated the public meeting's laws in this state.

PC.1032 SB1971/HB1895

As enacted, creates the criminal offense of abortion trafficking of a minor; provides for a civil action against a person committing the offense of abortion trafficking of a minor for the wrongful death of an unborn child that was aborted.

PC.1035 SB2004/HB2328

As enacted, prohibits a licensed professional counselor, licensed marital and family therapist, or licensed clinical pastoral therapist from receiving compensation for services rendered in a free health clinic, including, but not limited to, reimbursement from an individual or from any third-party payor.

PC.1061 SB2749/HB2936

As enacted, enacts the "Families' Rights and Responsibilities Act." This act outlines that parental consent must be given to a healthcare provider to render certain treatment or services unless under certain circumstances such as emergency medical or surgical treatment or if blanket consent has been given.

CONFLICT OF INTEREST POLICY REVIEW

Ms. Katherine Trawick reviewed the Committee's conflict of interest policy.

APPROVAL OF MINUTES

Mr. Timothy Cripps motioned to approve the May 20, 2024, meeting minutes. Ms. Terry seconded the motion and it passed.

REPORT FROM THE OFFICE OF INVESTIGATIONS

Ms. Katie presented the current 2024 complaints report for the Committee.

ADMINISTRATIVE OFFICE REPORT

Ms. Candyce Wilson presented the current administrative office report.

OFFICE OF GENERAL COUNSEL REPORT

Ms. Katherine Trawick presented the report from the Office of General Counsel which included the following updates:

1. Currently there are no open cases against their licensees. There are two (2) Behavior Analyst licensees currently being monitored. There is one (1) licensee on probation with terms. There is one (1) licensee revoked with terms.

2. The Committee currently has two (2) rulemaking packets to update its rules that are currently in internal review.

CONDUCT NEW BUSINESS

Ratification of New Licensees

The Committee reviewed the list of newly licensed individuals since the last meeting. Ms. Terry motioned to ratify all names on the list. Mr. Cripps seconded the motion and it passed.

Consultant for Investigations

Ms. Spiess reported she has reached out to TABA to request they send an email blast to hopefully obtain more candidates to consider for the investigative consultant position.

The Committee reviewed the resume of the recommended consultant. This consultant comes as a recommendation from Ms. Amanda Spiess. The Committee members discussed a desire for the investigative consultant to have at least give (5) year experience in the field. The committee members discussed the process of drafting potential interview questions for potential investigative consultant applicant(s). Ms. Terry made a motion to table the discussion until next Board meeting where interview questions will be readily available for anyone interested in the consultant position. Mr. Cripps seconded the motion, and it passed.

Presentation of Disciplinary Orders

Ms. Kristen Moon presented the consent order for Savvas Katzos, license #1465. Mr. Cripps made a motion to approve the consent order. Ms. Terry seconded the motion.

Consultant for Investigations (continued)

The Committee drafted several questions which will be presented to anyone interested in serving in this capacity.

Discuss and Take Action regarding rulemaking, rule amendments, and policies

Ms. Trawick presented the Committee with a law regarding emotional support animals, in which the animal would have to be permitted under the premise that they do some sort of task to provide comfort as an emotional support animal. Ms. Trawick went over other parts of Title 33 and raised the questioned if LBA's are aware they are required to comply with this law and how to bring awareness to the licensees who aren't knowledgeable of it. Ms. Trawick recommended their rules provide a section that outlines duty to warn requirements found in Title 33.

PUBLIC COMMENT

None.

ADJOURNMENT

Ms. Terry motioned to adjourn the meeting. Mr. Cripps seconded the motion and it passed.

This meeting adjourned at 10:19am (CT).