

---FINAL APPROVED ---

**ADVISORY BOARD ON BEHAVIOR ANALYSIS
Minutes
October 3, 2016**

The Advisory Board on Behavior Analysis met at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Keri Bethune, PhD, BCBA-D, Chair
Kate Lewis, MS, BCBA, LBA, Vice-Chair
Amanda Kusterer, BCaBA
Asha Patton Smith, MD
Gary Fletcher

MEMBERS ABSENT: None

STAFF PRESENT: William L. Harp, M.D., Executive Director
Colanthia M. Opher, Operations Manager
Elaine Yeatts, DHP Senior Policy Analyst

GUESTS PRESENT: Christy Evanko, VABA

CALL TO ORDER

Dr. Bethune called the meeting to order at 10:05 a.m.

EMERGENCY EGRESS PROCEDURES

Dr. Bethune provided the Emergency Egress Procedures.

ROLL CALL

Ms. Opher called roll; a quorum was declared.

ADOPTION OF AGENDA

Ms. Lewis moved to adopt the agenda as presented. The motion was seconded and carried.

APPROVAL OF MINUTES OF FEBRUARY 1, 2016

Ms. Lewis requested a correction to her credentials as listed under board members present; her credentials should read BCBA. Mr. Fletcher moved to accept the amendment and approve the minutes. The motion was seconded and carried unanimously.

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PUBLIC COMMENT

Ms. Evanko requested the Advisory Board consider reciprocity with other states to streamline and decrease the processing time for licensure. In response, Board staff informed Ms. Evanko and the Advisory Board members that the Board of Medicine Credentials Committee would be meeting on Wednesday, October 19th on this issue, and all were invited to attend.

NEW BUSINESS

1. Comments received regarding continuing education, discussion and vote to recommend approval.

Ms. Yeatts summarized the comments received and advised that none posed any opposition. The amendments being recommended are as follows:

18VAC85-150-100. Continuing education requirements.

A. In order to renew an active license, a behavior analyst shall attest to having completed ~~24~~ 32 hours of continuing education and an assistant behavior analyst shall attest to having completed ~~16~~ 20 hours of continuing education as approved and documented by a sponsor recognized by the BACB within the last biennium. Four of the required hours shall be related to ethics in the practice of behavior analysis.

After discussion, Ms. Lewis moved to recommend adoption of the proposed amendments to the Board of Medicine. The motion was seconded and carried unanimously.

Ms. Kusterer noted as a follow-up to several of the comments that the February 2017 agenda should include a discussion to as to whether or not it would be beneficial to require BACB maintenance for license renewal.

Ms. Yeatts advised that the concern with such a requirement would be the financial commitment for licensees.

2. Promulgation of Regulations to Accept Volunteer Service for Fulfillment of Continuing Education Requirements

Ms. Yeatts explained the amendments to Chapter 82 as they relate to continuing education requirements and volunteer health services. The amendment reads:

6. To promulgate regulations in accordance with the Administrative Process Act (§§2.2-4400 et seq.) ~~which~~ that are reasonable and necessary to administer effectively the regulatory system, *which shall*

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include provisions for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whose or primarily for the delivery of those health services. Such regulations shall not conflict with the purposes and intent of this Chapter or of Chapter 1 (§54.1-100 et seq.) and Chapter 25 (§§54.1-2500 et seq.) of this title.

During the discussion, the members agreed that behavior analysts really couldn't take advantage of this option because the profession doesn't fit the model. However, such volunteer time may be beneficial for conducting assessments. Ms. Yeatts recommended that specific tasks not be carved out at this time but reassessed after a period of implementation.

After discussion, Mr. Fletcher moved to recommend adoption of the continuing education requirements for behavioral analysis to the Board of Medicine. The motion passed 4 to 1.

3. Discuss the portability of behavior analysis licenses across state lines

Ms. Yeatts advised there is no legal way to allow a licensee from another state to practice in Virginia unless there was a compact licensing agreement between the states for the profession.

Dr. Harp explained that it is incumbent on the applicant to be diligent about having the supporting documentation submitted to the Board. Speedy work by the applicant leads to the speedy issuance of a license.

Dr. Harp again reminded the board members and the public that the Board's Credentials Committee is scheduled to meet on October 19th at 3:00 p.m. to discuss endorsement by licensure and come up with proposed regulations that will be recommended to the Board of Medicine for its consideration.

Ms. Evanko advised that most of the comments received at VABA have to do with applicants not understanding the instruction sheet and how to submit their credentials and Form B's. It is not clear whether the e-mail from BACB is sufficient or applicants are to wait for and submit their original letter from BACB. Other concerns are the difficulty trying to obtain employment verification for the last 5 years, and their inability to contact someone at the Board of Medicine to ask these questions.

Dr. Harp noted that five years is not an unreasonable time period to request employment verifications and that it is valuable to the Board to be aware of the fact that an applicant was terminated by a previous employer. Dr. Harp then stated that, with the recent advent of a call center, applicants should be more successful in accessing Board staff regarding their questions.

The members discussed if there was a way to have a provisional license until a full license was issued. Staff advised that a provisional license would require a change in the law. Dr. Harp stated that there is currently one profession that has a provisional license, but at times the applicant doesn't apply for it, So when they do apply for licensure, they're licensed by a Consent Order for unlicensed practice.

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For the purpose of clarity, Ms. Evanko asked if the word “jurisdiction” can be changed to “state”.

Ms. Lewis remarked that the applicant needs to expect and prepare for the fact that the licensing process may take longer than a week.

4. Election of Officers

Dr. Smith moved to re-elect Keri Bethune, as Chair, and Kate Lewis, as Vice-President. There being no additional nominations, the motion was seconded and carried unanimously.

Announcements

Ms. Yeatts asked that the members look at the instructions and licensing process and forward any additional suggestions for clarification to Board staff.

Ms. Opher provided the current licensing numbers and reminded board members of the expiration date of their terms.

Next Meeting Date

The Advisory Board’s next meeting is January 30, 2017 at 10:00 am.

Adjournment

The meeting was adjourned at 11:26 a.m.

Keri Bethune, PhD, BCBA-D
Chair

William L. Harp, M.D.
Executive Director

Colanthia M. Opher
Operations Manager