

**APPLIED BEHAVIORAL ANALYST LICENSING COMMITTEE
MEETING MINUTES**

DATE: November 23, 2015

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 9:01 a.m. A roll call vote was conducted and a quorum was present.

Minutes

Dr. Little made a motion, seconded by Ms. Davis, to approve the minutes as amended. The motion carried.

Office of General Counsel

Ms. Morgan stated that OGC is monitoring the North Carolina Dental Board Examiners vs. the FTC Supreme Court case. In early 2000 non-dentists entered the teeth whitening market place with a substantially reduced cost to its customers. The Dental Board of Examiners issued cease and desist letters to kiosk teeth whitening companies in shopping malls. The teeth whitening companies contacted the FTC who ruled it was an anti-trust case behavior by a group of dentists trying to exclude the companies from the profession. The Supreme Court agreed with the FTC. Ms. Morgan said OGC will keep the Committee informed on what, if anything needs to be done to prevent this from happening to Health Related Boards in Tennessee.

Ms. Morgan said the recommended guidelines do not have a mandatory effect on the Committee so they can be amended to what works best in Tennessee to make sure the decisions made are grounded in the statutory authority.

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 stated there is no pending legislation at this time.

Ms. Morgan said the new rules have gone through the internal review process and will be ready for a rulemaking hearing forty-five (45) plus five (5) business days from today.

Ms. Wilkins suggested changing the Committee meeting date from February 22, 2016 to January 25, 2016 in order to conduct the rulemaking hearing and regular Committee business.

Upon discussion, Dr. Little made a motion, seconded by Mr. Tonos, to change the Committee meeting date to January 25, 2016 at 9:00 a.m. The motion carried.

Ms. Morgan said staff will make sure all interested parties are informed of the rulemaking date. Ms. Morgan said the rules will be presented to the Psychology Board at the March 17, 2016 meeting.

Administrative Report

Ms. Turner said she emailed the committee members a sample of what the administrative report will contain once they begin licensing Applied Behavior Analysts and Applied Behavior Analysts Assistants.

Ms. Turner stated that Dr. Loftis submitted a letter to the Tennessee Psychological Association informing them that the Board had not reviewed the new rules and regulations for the Applied Behavior Analyst Licensing and could not give a formal response addressing any concerns they may have. Ms. Turner said Dr. Loftis suggested that a TPA representative attend the next Applied Behavior Analyst Licensing Committee meeting.

Ms. Turner said the Board had a concern over which professional code of ethics the ABA licensees would follow and that Dr. Loftis and Dr. Auble are working on a comparative analysis between the APA and BACB Code of Ethics to be presented at the December meeting.

Discuss Continuing Education Requirements

Dr. Little asked the members to review the comparisons of the APA Ethics Code and BACB Compliance Codes 1.01 through 3.11 and especially code 1.08 regarding unfair discrimination.

Ms. Morgan said T.C.A. §63-11-310(a) states that all licensees shall comply with their respective certifying entities guidelines for responsible conduct and professional disciplinary and ethical standards. Ms. Morgan said according to the statute, the code the Committee needs to abide by is the certifying entity and the one the Committee decides on today is an option but not mandatory.

Upon review of the codes, Dr. Little stated she was in favor of keeping the BACB Ethics Codes.

Ms. Turner asked if the BACB would notify any other entity that the licensee was investigated or had their license pulled from the National Board.

Dr. Little said it is published on the BACB web-site.

Ms. Wilkins said the staff could check the BACB data bank when an application is received.

Dr. Little asked the Committee to review the last half of the comparison and stated there were a few missing components that did not apply to their field and is comfortable with not adding any additional language.

The Committee asked that the discussion of the continuing education comparison between the APA and BACB code of ethics be continued to the next Committee meeting for further review.

Dr. Little said they currently require thirty-two (32) continuing education hours every two (2) years and if they supervise, three (3) of the thirty-two (32) hours must be in supervision. Dr. Little said if the Committee included the APA code of ethics regarding Tennessee specific and cultural diversity it would increase the continuing education hours to thirty-eight (38) hours every two (2) years.

Mr. Tonos said one (1) hour of Tennessee law and one (1) hour of cultural diversity could be a Type III continuing education and obtained on-line.

Dr. Little suggested including the Tennessee law as part of the application and renewal process rather than the continuing education requirement.

Dr. Switzer made a motion, seconded by Ms. Davis, to include the Tennessee law as part of the application and renewal process. The motion carried.

Dr. Little made a motion, seconded by Dr. Switzer, to add (1) hour of continuing education of cultural diversity in the continuing education requirements. The motion carried.

Ms. Davis made a motion, seconded by Dr. Switzer, to keep the code of ethics as written and not continue it to the next meeting. The motion carried.

Discuss Legislation

Ms. Morgan stated there is no legislation to discuss.

New Business

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

Adjourn

With no other Committee business to conduct, Dr. Switzer made a motion, seconded by Ms. Davis, to adjourn at 10:17 a.m.

Ratified by the Committee on January 25, 2016.