

**MEETING MINUTES
APPLIED BEHAVIORIAL ANALYST LICENSING COMMITTEE**

DATE: August 23, 2021
TIME: 9:00 A.M.
LOCATION: Health Related Boards
665 Mainstream Drive
Nashville, TN 37243

COMMITTEE MEMBERS

PRESENT: Peter A. Beddow, BCBA-D
Timothy Cripps, BCBA
Amanda Spiess, BCBA
Esther Bledsoe, BCBA-D

COMMITTEE MEMBERS

ABSENT: Catherine Terry, PhD

STAFF

PRESENT: LaTonya Shelton, Board Administrator III
Diana Hunley, Board Director
Jessica Turner, Associate General Counsel

Ms. Hunley called the meeting to order at 9:13 a.m. A roll call vote was conducted and a quorum was present. The meeting was turned over to Board Chair, Dr. Beddow.

Review/Approve Minutes

Upon review of the February 22, 2021 minutes, Mr. Cripps made a motion, seconded by Ms. Spiess to approve the minutes. The motion carried.

Upon review of the May 17, 2021 minutes, Ms. Bledsoe made a motion to approve the minutes as corrected, seconded by Ms. Spiess. The motion carried.

Office of Investigations Report

Jaime Byerly from the office of investigations presented the reports for investigations. There are currently three behavior analysts being monitored for discipline. Year to date there have been six new complaints opened. One was for fraud and false billing, one was for unlicensed practice, one was for unprofessional conduct, two were for lapse license and one was for failure to supervise.

Financial Report

Alicia Grice, Fiscal Director for the division of Health Licensure and Regulation, spoke about the potential of reducing the committee's fee structure. As of June 30, 2020, the reserve balance was at \$201,554. She stated it is desired to have a little more than \$60,000 in reserves. Currently there is an overage of about \$141,400. She presented several options for reducing the fee structure. A rule change is needed for a reduction in fee structure. There was discussion by the committee. Dr. Beddow made a motion to reduce the renewal fee for licensed behavior analysts to \$110, to reduce the renewal fee for licensed assistant behavior analysts to \$50, to reduce the application license fee for licensed behavior analysts to \$0, to reduce the application fee for licensed behavior analysts to \$0, to reduce the application license fee for licensed assistant behavior analysts to \$0 and to reduce the application fee for assistant behavior analysts to \$0. The motion was seconded by Dr. Bledsoe. Motion carried.

Office of General Counsel

Ms. Turner reminded the board members of the conflict of interest policy. She stated there were no consent orders, no agreed orders and no open cases in the Office of General Counsel. There was a rule review meeting July 21, 2021 before the Government Operations Committee concerning the cultural diversity continuing education rules. The rules were passed and they have an effective date of August 17, 2021.

Administrative Report

Ms. Hunley gave the administrative report stating that as of August 17, 2021 there were currently 684 active licensed Behavior Analysts and 19 active licensed Assistant Behavior Analysts. There were 40 behavior analyst applications in process and 1 assistant behavior analysts. Applied Behavior Analysts licensed since the last meeting were 29 new behavior analysts and 1 new assistant behavior analyst. There were 59 renewals for behavior analysts and 4 renewals for assistant behavior analyst. There was 0 retired license for behavior analysts, 6 behavior analysts that have expired, 1 assistant behavior analyst that has retired and 1 assistant behavior analysts expired. There were 5 reinstated behavior analysts and 0 reinstated assistant behavior analysts. The date of the next committee meeting is November 15, 2021 and the dates for the year 2022 are February 21, May 23, August 22, 2021 and November 28, 2021.

Kyle R. Long has an agreed citation for practicing on a lapsed license. Mr. Long has a civil penalty of \$100 for one month of practice on an expired license beyond the sixty-day grace period. He signed the agreed citation and paid the fees of \$100. Mr. Cripps made a motion to approve the agreed citation, seconded by Ms. Spiess. The motion carried.

Discuss and Ratify/Deny Newly Licensed

Newly Licensed Behavior Analysts and Assistant Behavior Analysts

Dr. Beddow called for a motion to ratify the list of Licensed Behavior Analysts. Dr. Bledsoe made a motion to ratify the February 19 through May 12, 2021 list of Licensed Behavior Analysts,

seconded by Ms. Spiess. The motion carried. The list of 49 newly licensed Behavior Analysts was approved to go before the Board of Examiners in Psychology on December 2, 2021, to be ratified.

Behavior Analyst

Afariogun Meta Rukiya-Rivers	Macdonald Margaret J
Allen Mary H	Mcallister Elizabeth
Bernaldo Monica	Mccall Morgan Blair
Browning Anna Katherine	Mccarty Meghan L
Burruss Shannon Marie	Merritt Jill
Chambers Abigayle	Niven Danielle
Cheek Tori D	Noel Naomi
Cowan Brandee Lee	Oliver Taylor
Danis Makenzie	Papa Kendall T
Dickinson Robert	Paranczak Jessica L
Duncan Jenna M	Paulish Haley M
Eberhart Hannah	Pickel Krista
Edwards Carla W	Ramey Carmen L
Edwards Samantha	Robertson Karlee
Fusco Jessica	Sanford Morgan
Goforth Brandi Marie	Sheardown Megan
Gonzalez Cathryn Donna	Sherrill Morgan
Green Lisa	Smallwood Kyra J
Henderson Ashley L	Sproles Kristin Danielle
Humphrey-Dell Kathleen Elise	Taylor Andrea Lynnette
Isbill Stephanie	Vernon Sarah
James Jasmine Breanna	Weeden Tiffanie
James Jessica	Wesnofske Rachael
Kokx Megan	Zinnanti Mary Jo
Lewis Kelcie	Kennedy Krystal
Lykke Kathy M	Quinn Patrick Charles

Dr. Beddow called for a motion to ratify the Licensed Assistant Behavior Analysts. Ms. Spiess made a motion to ratify the list of Assistant Behavior Analysts, seconded by Dr. Bledsoe. The motion carried. The list of 1 newly licensed Assistant Behavior Analyst was approved to go before the Board of Examiners in Psychology on December 2, 2021, to be ratified.

Assistant Behavior Analyst

Allen Ashley

Dr. Beddow called for a motion to ratify the Reinstated Licensed Behavior Analysts.

Dr. Bledsoe made a motion to ratify the Reinstated Licensed Behavior Analyst, seconded by Ms. Spiess. The motion carried.

Reinstated Behavior Analyst

Woods Reanne H

Dr. Bledsoe recused herself from voting on Stephen Kee. Dr. Beddow made a motion to ratify the Reinstated Licensed Behavior Analyst, seconded by Ms. Spiess. The motion carried.

Reinstated Behavior Analyst

Kee Stephen Brian

The list of 3 Reinstated Licensed Behavior Analysts was approved to go before the Board of Examiners in Psychology on December 2, 2021, to be ratified.

Dr. Beddow called for a motion to ratify the list of Licensed Behavior Analysts. Dr. Spiess made a motion to ratify the May 13 through August 18, 2021 list of Licensed Behavior Analysts, seconded by Dr. Bledsoe. The motion carried. The list of 29 newly licensed Behavior Analysts was approved to go before the Board of Examiners in Psychology on December 2, 2021, to be ratified.

Behavior Analyst

Agent Kaylee
Alston Jamesa Yvette
Blackwell Chelsea J
Broussard Stacy
Byers Josilyn
Coates Keli
Cox Victoria
Drysdale Ashley
Echan Matthew
Edington Chevy
Evers Erica Kaylee
Ferguson Kendall E
Flowers Nia Jamese
Forder Kylee E
Gaskins Kelly G

Grillo Jamie S
Hasselman Maeve
Kramer Andrea M
Lambert Lillyen
Liskey Carly
Lowe Kasey
Magee Erin E
Marshall Stephanie
Mitchell Meghan
Morales Adriana
Nadler Devorah
Nelson Taylor E
Reynolds Ra'Shai O
Sanchez Sonia

Dr. Beddow called for a motion to ratify the Licensed Assistant Behavior Analysts. Ms. Spiess made a motion to ratify the list of Assistant Behavior Analysts, seconded by Dr. Bledsoe. The motion carried. The list of 1 newly licensed Assistant Behavior Analyst was approved to go before the Board of Examiners in Psychology on December 2, 2021, to be ratified.

Assistant Behavior Analyst

Kwekel Samuel

Dr. Beddow called for a motion to ratify the Reinstated Licensed Behavior Analysts. Dr. Bledsoe made a motion to ratify the Reinstated Licensed Behavior Analyst, seconded by Ms. Spiess. The motion carried. The list of 5 Reinstated Licensed Behavior Analysts was approved to go before the Board of Examiners in Psychology on December 2, 2021, to be ratified.

Reinstated Behavior Analyst

Ghatan Bitu
Hood Janna
Long Kyle R.
Pullum Megan Ruth
Sullivan Wendy D.

Legislative Update

Olivia Spears, Legislative Liaison with the Department of Health, informed the committee of the legislative updates.

Public Chapter 37

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members. This act took effect March 23, 2021.

Public Chapter 153

This act creates a new definition of “store-and-forward telemedicine services” to include the use of asynchronous computer-based communications between the healthcare provider and the patient for the purpose of diagnoses, consultation, or treatment of a patient at a distant site where there may be no in-person exchange.

This act took effect April 13, 2021.

Public Chapter 328

This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department’s operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the

ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.
This act took effect July 1, 2021.

Public Chapter 357

This act authorizes an exception to existing telehealth requirements governing healthcare providers in Tennessee. In doing so, it allows individuals licensed in another state to practice telehealth in Tennessee while providing healthcare services on a volunteer basis through a free clinic.
This act took effect May 11, 2021.

Public Chapter 531

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are nonsubstantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.
This act took effect July 1, 2021.

Public Chapter 532

This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.
This act took effect May 25, 2021.

Election of Officer

Dr. Beddow called for nominations for chairperson. Ms. Spiess nominated Dr. Beddow and Dr. Bledsoe seconded the nomination. Dr. Beddow accepted the nomination. A roll call vote was conducted and the motion carried.

Applicant Interview

April Acosta came before the committee to state her case as to why she was practicing without a license. She stated in 2017 she thought it was not a requirement to be licensed. She continued to think this as she worked at a second location and then in her own practice. She thought it was recommended but not required. Dr. Beddow stated the expectation of due diligence as far as practicing as a professional behavior analyst. He stated that even under the BACB (Behavior Analyst Certification Board) the ethics requirements are very stringent. The responsibility for

adhering to all of the laws of the state is incumbent on the practitioner. The board discussed the case. Dr. Beddow stated that he felt that it would be appropriate to call for a conditional civil penalty from the time the license was required because there were many other requirements of the field. There were logistical hurdles that were navigated in order to receive payment for practicing, but the investment in gaining knowledge about the licensing process was neglected. Dr. Beddow made a motion that the committee ratify Ms. Acosta's licensed behavior analyst application conditional on a civil penalty of \$2300 for the months beyond the six months licensing period that she practiced without her license to be paid within thirty days after the signature of a letter detailing this proposal. Ms. Turner will provide the proposal letter. A roll call vote was conducted and the motion carried.

Adjourn

With no other Committee business to conduct, Dr. Beddow called for a motion to adjourn. Ms. Spiess made a motion, seconded by Mr. Cripps to adjourn at 11:09 a.m. The motion carried.

These minutes were ratified at the November 15, 2021 APPLIED BEHAVIORAL ANALYST LICENSING COMMITTEE meeting.