

**MEETING MINUTES  
APPLIED BEHAVIORIAL ANALYST LICENSING COMMITTEE**

**DATE:** May 21, 2018  
**TIME:** 9:00 A.M.  
**LOCATION:** Health Related Boards Conference Center  
Poplar Room, 665 Mainstream Drive  
Nashville, TN 37243

**COMMITTEE MEMBERS**

**PRESENT:**

Michael S. Tonos, BCBA, Chair  
Peter A. Beddow, BCBA-D  
Mallory Garrett, BCBA  
Amanda Spiess, BCaBA

**COMMITTEE MEMBERS**

**ABSENT:**

Catherine Terry, Ph.D

**STAFF**

**PRESENT:**

Teddy Wilkins, Unit Director  
Lisa Williams, Board Administrator II  
Paetria Morgan, Assistant General Counsel

Mr. Tonos called the meeting to order at 9:02 a.m. A roll call vote was conducted and a quorum was present.

**Review/Approve Minutes**

Upon review of the February 26, 2018 minutes, Ms. Garrett made a motion, seconded by Dr. Beddow, to approve the minutes. The motion carried.

**Financial Report**

Noranda French presented the Financial Report. Teddy Wilkins stated that the Behavior Analysts Committee is no longer in negative numbers and will no longer be called for a fiscal review before Government Operations. Ms. French stated that the committee now has allocated

expenditures since the committee now has licensees. Administration for mid-year expenditures was \$1,086.39. Investigation expenditures were \$1,501.25. Legal was \$4,018.91. The cash office was \$116.03. Ms. Wilkins asked Ms. French to check on the expenditures for Investigations. She stated that it is believed that there have been no complaints. The projected year-end figures for Salaries & Wages are \$20,736.44, Employee Benefits are \$7,304.64, Communications are \$1,100 and Professional Services & Dues are \$1,000. The projected year-end allocated expenditures for Administration is \$2,172.78, investigations is \$3,002.50, Legal is \$8,037.82 and the Cash Office is \$232.06. Ms. French reiterated that she would look into the investigation expenditures. The total projected year-end expenditures are \$43,586.24. The Board Fee Revenue is \$134,190.00. The Current Year Net is projected to be \$90,603.76. It is anticipated that LARS will be an expense of \$1,885.95. The projected positive Cumulative Carryover is \$76,545.48. The committee is generating revenue.

### **Office of General Counsel**

Ms. Morgan stated there are no consent orders, agreed orders or open cases in the Office of General Counsel. Ms. Morgan reviewed the conflict of interest policy touching on bias and third party relationships.

### **Legislative Report**

Patrick Powell, Legislative Liaison and attorney on the legislative team, reviewed the public chapters and bills that passed this session that may have some impact on the committee.

### **Public Chapter 611**

This law requires an agency holding a public hearing as part of its rulemaking process, to make copies of the rule available in “redline form” to people attending the hearing.

This takes effect July 1, 2018.

### **Public Chapter 675**

This act requires the department of health to accept allegations of opioid abuse or diversion and for the department to publicize a means of reporting allegations.

Any entity that prescribes, dispenses, OR handles opioids is required to provide information to employees about reporting suspected opioid abuse/diversion. That notice is to either be provided individually to the employee in writing and documented by the employer OR by posting a sign in a conspicuous, non-public area of minimum height and width stating: “NOTICE: PLEASE REPORT ANY SUSPECTED ABUSE OR DIVERSION OF OPIOIDS, OR ANY OTHER IMPROPER BEHAVIOR WITH RESPECT TO OPIOIDS, TO THE DEPARTMENT OF HEALTH'S COMPLAINT INTAKE LINE: 800-852-2187.”

Whistleblower protections are also established. An individual who makes a report in good faith may not be terminated or suffer adverse licensure action solely based on the report. The individual also is immune from any civil liability related to a good faith report.

This act takes effect January 1, 2019.

#### **Public Chapter 744**

This statute allows a licensing entity the discretion to not suspend/deny/revoke a license in cases where the licensee has defaulted or become delinquent on student loans IF a medical hardship significantly contributed to the default or delinquency.

This act takes effect January 1, 2019.

#### **Public Chapter 745 and Public Chapter 793**

These public chapters work together to create and implement the “Fresh Start Act.” Licensing authorities are prohibited from denying an application or renewal for a license/certificate/registration due to a prior criminal conviction that does not directly relate to the applicable occupation. Lays out the requirements on the licensing authorities as well as the exceptions to the law (ex: rebuttable presumption regarding A and B level felonies).

These acts take effect July 1, 2018.

#### **Public Chapter 754**

This chapter prevents any board, commission, committee, etc. created by statute from promulgating rules, issuing statements, or issuing intra-agency memoranda that infringe on an entity member’s freedom of speech.

Freedom of speech includes, but is not limited to, a member’s freedom to express an opinion concerning any matter relating to that governmental entity, excluding matters deemed to be confidential under TCA 10-7-504.

Violations as determined by a joint evaluation committee may result in recommendations to the general assembly concerning the entity’s sunset status, rulemaking authority and funding.

This act took effect April 18, 2018.

#### **Public Chapter 929**

This act redefines policy and rule and requires each agency to submit a list of all policies, with certain exceptions, that have been adopted or changed in the previous year to the chairs of the government operations committees on July 1 of each year. The submission shall include a summary of the policy and the justification for adopting a policy instead of a rule.

This act also prohibits any policy or rule by any agency that infringes upon an agency member's freedom of speech.

Finally, this act establishes that an agency's appointing authority shall have the sole power to remove a member from a board, committee, etc.

This act takes effect July 1, 2018 and applies to policies adopted on or after that date.

#### **Public Chapter 954**

This legislation requires the initial licensure fee for low-income persons to be waived. Low income individuals per the statute are defined as persons who are enrolled in a state or federal public assistance program including but not limited to TANF, Medicaid, and SNAP. All licensing authorities are required to promulgate rules to effectuate the purposes of this act.

This act takes effect January 1, 2019.

#### **Public Chapter 1021**

This act allows for appeals of contested case hearings to be in the chancery court nearest the residence of the person contesting the agency action or at that person's discretion, in the chancery court nearest the place the action arose, or in the chancery court of Davidson County. Petitions seeking review must be filed within 60 days after entry of the agency's final order.

This act takes effect July 1, 2018.

#### **Administrative Report**

Ms. Williams stated there are currently 337 active licensed Behavior Analysts, 8 active licensed Assistant Behavior Analysts and 26 provisionally licensed from the Department of Intellectual Disorders and Disabilities (DIDD.) Licensed since the last meeting are 18 new Behavior Analysts, 2 new Assistant Behavior Analysts and 2 provisional (DIDD) licensees upgraded from provisional licensure to full licensed behavior analysts.

#### **Discuss and Ratify/Deny Newly Licensed**

Ms. Wilkins identified the three sections of newly licensed applicants.

#### **Newly Licensed Behavior Analysts and Assistant Behavior Analysts**

Mr. Tonos called for a motion to ratify the list of Licensed Behavior Analysts. Dr. Beddow made a motion to ratify the list of Licensed Behavior Analysts, seconded by Ms. Garret. The motion carried. The list of newly licensed Behavior Analysts is approved to go before the Board of Examiners in Psychology on June 14, 2018, to be ratified.

### Behavior Analysts

Ashmeade Kevin  
Theophilus  
Bruce Emily  
Bryant Julie  
Degner Brittany A.  
Fitzgerald Kirby Ellen  
Hazelwood Audrey Carter  
Hibpshman Sara  
Johnson Elisabeth Anna  
Johnson Hayley Elizabeth

Lane Courtney A.  
Langford Kyla L.  
Morgan Jennifer  
Morrison Chelsea S.  
Peters Amber  
Raftery Brian Matthew  
Simpson Sarah Katherine  
Snow-Witzeman Heidi  
Warpool Jessica Lauren

Mr. Tonos called for a motion to ratify the Licensed Assistant Behavior Analysts. Dr. Beddow made a motion to ratify the list of Assistant Behavior Analysts, seconded by Ms. Spiess. The motion carried. The list of newly licensed Assistant Behavior Analysts is approved to go before the Board of Examiners in Psychology on June 14, 2018, to be ratified.

### Assistant Behavior Analyst

Mosley Alex J.  
Young Jennifer

Mr. Tonos called for a motion to ratify the list of DIDD upgraded licenses. Dr. Beddow made a motion to ratify the provisional DIDD upgraded list to new Licensed Behavior Analysts, seconded by Ms. Garrett. The motion carried. The list of new upgraded to licensed Behavior Analysts is approved to go before the Board of Examiners in Psychology on June 14, 2018, to be ratified.

### Provisional DIDD Upgraded to Behavior Analysts

Clark Vargas  
Henry Nichole Justine

### **Discuss Rulemaking, Hearings, Rule Amendments and Policies**

Ms. Morgan discussed statute 63-11-306 which covered exceptions to being licensed as a behavior analyst and to be mindful of these 8 specific exceptions before lodging complaints concerning unlicensed behavior analysts. Individuals who meet these specific exceptions can choose to become licensed, but they are not required to become licensed.

Begins  
31:57

Ms. Morgan addressed Public Chapter 350 which allows licensees to satisfy one hour of continuing education through the performance of one hour of voluntary provision of healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of 8 hours or 20% of the provider's annual continuing education requirement. This public chapter was codified under the Medical Examiners statute - chapters 63-6-703 and 63-6-712. In 63-6-703 the definition of

34:56

“health care providers” includes many different professions and applies to behavior analysts. In 63-6-712 under section A, a person can satisfy one hour of Continuing Education for volunteering. The volunteer hours cannot exceed 20% of the total required hours or the lesser of eight hours. This will require a rule change and the Board of Examiners in Psychology has already voted on changing their rules to comply with this statute. This is statutory. We cannot change it. It’s already here in the statutes. There are some complications with applying it with this committee because of your certifying entity and the fact that they determine what the continuing education hours are and how licensees go about receiving credit for those hours. The committee does not have the authority to tell the certifying entity that the licensees may obtain 20% or 8 hours of their CE credits for these volunteer hours and the certifying entity is going to accept it. However, this is law in this state and it is needed for the committee to be aware of this law and to figure out some creative way for it to work for this specific committee because everything funnels through your certifying entity. With the BCBA, you have to get 32 hours every two years. The BCBA has a list of how one can acquire the 32 hours. Options will be presented for how this can work at the next committee meeting.

### **Discuss other Committee Business**

Ms. Wilkins stated at the next meeting will be the election of officers.

Ms. Wilkins pointed out that the Board of Investigation will do the vetting for board consultant and is not done by the committee. Ms. Williams stated that the board had received two names with CV’s and an additional two names with no supporting documents. These names will be passed on to the Office of Investigations. Ms. Wilkins reminded the committee that we have one board consultant and it is desired to have a second consultant.

### **Adjourn**

With no other Committee business to conduct, Ms. Spiess made a motion, seconded by Dr. Beddow, to adjourn at 10:01 a.m. The motion carried.