



Health Licensing Office
Behavior Analysis Regulatory Board



Feb. 17, 2015
700 Summer St. NE, Suite 320
Salem, Oregon

MINUTES

**MEMBERS PRESENT VIA
TELECONFERENCE**

Jenny Fischer, Chair
Kurt Freeman, Vice Chair
Wendy Machalicek
Amy Donaldson
Alice Austin

STAFF PRESENT

Holly Mercer, Director
Sylvie Donaldson, Fiscal Services and Licensing Manager
Joanna Tucker Davis, Assistant Attorney General, Oregon
Department of Justice
Anne Thompson, Policy Analyst
Debby Daniels, Qualification Specialist

MEMBERS PRESENT

Michele Raddish

Call to order

Chair Jenny Fischer called the Behavior Analysis Regulatory Board to order at 1:32 p.m. on Feb. 17, 2015. Roll was taken.

Items for board action

◆ **Approval of agenda**

Kurt Freeman made a motion, with a second by Michele Raddish, to approve the agenda. The motion passed unanimously.

◆ **Approval of minutes**

Michele Raddish made a motion, with a second by Kurt Freeman, to approve the Jan. 15, 2015, meeting minutes. The motion passed unanimously.

◆ **Applications**

The Health Licensing Office received applications from:

- Saradarian, Corey – Behavior Analyst
- Marin, Casey – Behavior Analyst
- Cox, Beth-Ann – Behavior Analyst

- Rossi, Denise – Behavior Analyst
- Schwartz, Heather – Behavior Analyst
- Gann, Brandon – Behavior Analyst
- Binns, Lyndsey – Behavior Analyst
- Erickson, Emilie – Behavior Analyst

By consent agenda, Kurt Freeman moved, with a second by Michele Raddish, to license Saradarian, Marin, Cox, Rossi, Schwartz, Gann, Binns and Erickson. Motion passed unanimously.

By consent agenda, Alice Austin moved, with a second by Kurt Freeman, to license Behavior Analyst Wendy Machalicek. Motion passed unanimously. Board member Wendy Machalicek recused.

The Health Licensing Office received applications from:

- Grund, Janine – Behavior Analysis Interventionist

Michele Raddish made a motion, with a second by Alice Austin, to register Grund. Motion passed unanimously. Chair Jenny Fischer recused.

Policy

◆ Legislative changes, concepts, rules advisory committee

Director Holly Mercer updated the Board on the legislative activity that affects them. Mercer said that she and some other stakeholders met with the Oregon Legislative Counsel about HB 2563, Paul Terdal's bill that changes the structure of the Behavior Analysis Regulatory Board. She said that Sen. Alan Bates also may have a bill that could have an impact, but that it hasn't yet been released.

Mercer said that things were moving quickly with HB 2563, but that there was a long way to go. She said that one of the primary issues that came out of discussions about HB 2563 was that the registration of the Other Health Care Professional in the current statute may be deleted. The idea is that professionals with Applied Behavior Analysis (ABA) in their scope would answer to their own boards.

She said that another primary topic of discussion was around insurance reimbursement. She said the discussion focused on making the new statute a title act, the idea being that anyone can do the work, but only licensees can use the title. Mercer explained that the Board would license behavior analysts, assistant behavior analysts and behavior analysis interventionists. She said there was discussion around the clear qualifications around interventionists and that licensure would mean more than just being on a list.

Members asked if the Board would regulate who could supervise interventionists. Mercer said that the Board would license interventionists and the licensees would be responsible for making sure their supervision meets the Board's criteria.

Mercer said that HB 2563 may have a licensure for what has been referred to as the "truly unlicensed" group, people who are not licensed by any other board or have national certification. She explained that no one knows how many people would fall into this category, but that she hopes to get more information when the bill has its legislative hearings.

Mercer said another issue she hopes the new legislation will help with is moving the Board under the Health Licensing Office's (HLO) administrative umbrella. This would allow HLO to issue licenses to applicants who meet criteria. The statute the Board has now requires the Board to approve or deny applications, and to prevent service delays, the Board has been meeting frequently. This is a burden to the Board, HLO, applicants and the clients they serve.

Freeman asked about the possibility of the Board getting a practice act. He said that, for example, the psychology board goes after people who are practicing psychology without a license. He said he is nervous about people who are practicing with no oversight at all.

Mercer said that while there was some discussion about a practice act, the feedback is that other professionals that have ABA in their scope don't need to be licensed with this Board. But the idea is still on the table. She also explained that a practice act may have a greater fiscal impact.

Freeman had questions about who decided what was in other professionals' scope and Mercer said it was up to the boards who govern the professions.

Austin asked about the best way to propose alternatives to the legislation that's being discussed. Mercer said that most of the feedback will come from public testimony. Mercer explained that Board members may testify as members of the public but HLO is neutral. Staff attends to answer questions about fiscal matters.

Public/interested parties' feedback

Melissa Gard from the Oregon Association for Behavior Analysis said that a lot of what she came to discuss may be moot in light of the legislative changes that are being discussed. She said she supported the title/practice bill ideas and that most challenges came from lumping professionals together. She asked the Board to take comments from ABA professionals regarding overlaps and gaps in scope.

Other board business

The Board discussed the submitted letter from the Center for Autism and Related Disorders (CARD) regarding the registration of a behavior analysis interventionist.

Freeman said that when the criteria was set, the bar was high. Raddish agreed. Mercer said staff could reach out to CARD for more information.

Mercer said that the next Board is set for March 31, but that is a long time for applicants to wait for Board approval or denial of licenses and registration. She asked if the Board could reach quorum for a short period to only review applications.

Austin said she submitted an application for an interventionist and was hoping to get it approved at this meeting. She said she was in danger of losing her employee.

Freeman said he was worried about setting a precedent; the psychology board reviews applications twice a year. He said the meetings are noticed and "setting policy based on individual problems is a slippery slope."

Fischer said that supervisors can communicate with their interventionists and make sure their applications are in two weeks before the Board meeting.

The Board decided to hold at meeting 3:45 p.m. on Feb. 23 just to review applications.

The Board adjourned at 2:50 p.m.

Minutes prepared by Anne Thompson, Policy Analyst