



Health Licensing Office
Behavior Analysis Regulatory Board

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May 20, 2016

700 Summer St. NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Wendy Machalicek - chair
Maria Gilmour – vice chair
Brenna Legaard (joined at 9:43 a.m.)
Carol Markovics
Michele Raddish
Amy Loukus – via telephone
Keith Cheng – via telephone
Candice Pogge– via telephone (joined at 9:33 a.m.)

STAFF PRESENT

Sylvie Donaldson, interim director and fiscal services and licensing manager
Anne Thompson, policy analyst
Sarah Kelber, communications coordinator
Maria Gutierrez, board specialist

GUESTS PRESENT

Alice Austin – Oregon Association of Behavior Analysis (ORABA)

Call to order

Wendy Machalicek called the Behavior Analysis Regulatory Board to order at 9:07 a.m. on May 20, 2016. Roll was taken.

Items for board action

◆ **Approval of agenda**

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

◆ **Approval of minutes**

Wendy Machalicek wanted a slight word change for the minutes, changing “decided” to “discussed,” regarding rulemaking. Maria Gilmour made a motion, with a second by Carol Markovics, to approve the minutes from April 1, 2016, as amended. The motion passed unanimously.

Reports

◆ **Director’s report**

Sylvie Donaldson, interim director and fiscal services and licensing manager, told the Board that HLO has gotten approval to move to a new location in Salem off of the Salem Parkway and that it would happen within the next year. The new location will offer a bigger waiting room, more testing space, free parking and a bigger board room.

◆ Licensing and fiscal

Donaldson used graphics to show the Board the number of licenses and registrations, as well as how they break down by age and gender. She said that as of May 6, the Board had 75 behavior analysts and 3 assistant behavior analysts licensed, and 111 behavior analysis interventionists registered. The authorization holders are on the younger side and predominantly female.

Donaldson said that the Board is about \$13,500 in the red and is projected to finish the 2015-2017 biennium about \$23,300 in the red. She said that it's common for new Boards to start in the negative as there are costs associated with getting the board going before it starts bringing in licensing revenue. She said that over time things should improve.

◆ Policy – rulemaking and RAC stakeholder selection

The Board reviewed the new declarations of practice received by the Office. Of the group, three already hold national certification and do not need the grandfathering path to licensure. One might qualify as a licensed health care professional with applied behavior analysis (ABA) already in their scope of practice as outlined in ORS 676.802(2). Donaldson said she would call these declarants and make sure they understand the licensing options that may be available to them.

Machalick broke down the declarants' education, training and clinical/supervised experience on the white board as she did with the others at the last meeting.

The Board discussed the stakeholders who would be on the rules advisory committee, which is slated for July 28 at HLO.

After extensive discussion with no agreement regarding the composition and how many representatives from each group would be invited, the list that Board members could live with was:

- Licensed behavior analysts with BCBA or BCBA-D certification – 3, with one being a member of ORABA
- Registered behavior analysis interventionist – 1
- Declarants – 2
- Parent receiving ABA from a licensed behavior analyst – 1
- Parent receiving care from a declarant – 1
- An applied behavior analysis instructor at a four-year university – 1
- A licensed physician with experience in autism spectrum disorder – 1
- A member of a parent-advocacy group – 2
- A director, administrator or leader in special education – 1
- A licensed health-care professional from the list in ORS 676.802(2) – 1
- A payer from insurance or a coordinated care organization – 1

The Board took a break at 11:07 a.m.

The Board resumed at 11:17 a.m.

Public/interested parties' feedback

Machalicek opened the public comment period and gave Board members time to read through the testimony and comments submitted Thursday that were not included in the materials forwarded to the members before the meeting.

Alice Austin spoke on behalf of ORABA, and submitted a chart she put together that shows other professions and the qualifications they have to meet to get licenses. She said the Behavior Analysis Certification Board (BACB) is the only accredited certification for behavior analysis and that it was formed because people were offering treatments that were maltreatment or abuse. She said that requiring declarants to have similar requirements to the national standard would not be too much of a hardship as the training is out there and that it would be another layer of protection for consumers.

Other board business

(Raddish left 12:13 but then called in on her phone shortly afterward.)

Machalicek had put the BACB standards on the white board:

- Minimum of a graduate degree (e.g., master's or doctoral) in an acceptable field of study from a qualifying accredited institution.
- Approved sequences of classes that meet the BACB's coursework requirements.
- 1,500 hours of supervised experience.
- Pass the BACB examination.

And the groups' criteria from the last meeting:

- At least a master's degree in a board-approved field.
- A certification program in ABA.
- 1,000 hours of supervised experience.

The Board could not agree on a compromise between the criteria and Machalicek took a roll call, asking members where they would lean when it came to the requirements for declarants to qualify for a license:

Machalicek – national certification.

Gilmour – national certification.

Raddish – the criteria from the last meeting was a “good starting point.”

Markovics – wants an alternative added that “comes closer to the Oregon definition of ABA.”

Loukus – national standards.

Cheng – national certification or equal to national standards.

Legaard – set a high bar for consumer safety, but give the RAC a range of criteria from which to choose.

Pogge – national certification.

Donaldson said staff would compile all the information the Board has provided in past meetings and incorporate it into draft rules that would go before the RAC. Staff also would reach out to stakeholder groups to communicate about meetings and opportunities to participate and offer feedback on rulemaking.

The meeting adjourned at 1:19 p.m.

Minutes prepared by Anne Thompson, policy analyst