



Health Licensing Office
Behavior Analysis Regulatory Board

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Aug. 13, 2015

700 Summer St. NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Jenny Fischer, Chair
Kurt Freeman, Vice Chair
Wendy Machalicek (via teleconference)
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
Maria Gutierrez, Board Specialist

MEMBERS ABSENT

Harmony Miller
Amy Donaldson
Michele Raddish

Call to order

Chair Jenny Fischer called the Behavior Analysis Regulatory Board to order at 1:38 p.m. on Aug. 13, 2015. Roll was taken.

Items for board action

◆ **Approval of agenda**

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

◆ **Approval of minutes**

Without a quorum of attending members from the last meeting, the Board decided to table the revised July 16, 2015, minutes.

◆ **Approval of 2016 meeting dates**

The Board decided to wait to approve 2016 meeting dates until the new Board is confirmed.

◆ **Applications**

The Health Licensing Office (HLO) received applications from:

- Amanda Broughton – Behavior Analyst
- Karen Green – Behavior Analyst
- Natalie Helms – Behavior Analyst
- Megan Maixner – Behavior Analyst

- Whitney Smith – Behavior Analyst

By consent agenda, Alice Austin moved, with a second by Kurt Freeman, to approve the behavior analyst applications. Motion passed.

Reports

◆ Director's report

Director Holly Mercer told the Board she had accepted a position with another agency and that Fiscal Services and Licensing Manager Sylvie Donaldson would be the interim director. She gave the Board an update on Granicus, the electronic meeting-minutes system that will be in place in the fall. She said the audio will require Board members to say their last name every time they speak so listeners can follow the meeting.

Mercer also explained that interest forms for the new BARB must be to the governor's office by Aug. 21, and listed the names of people who had sent in interest forms to date.

◆ Licensing and fiscal report

Donaldson reported that at the end of June, which is the end of the biennium, the Board had 68 authorization holders and was about \$12,000 in the negative.

Public/interested parties' feedback

None.

◆ Policy

Policy Analyst Anne Thompson presented the report from the rules advisory committee (RAC), which was held on Aug. 4, focusing on the concerns and recommendations for the draft rules language.

The Board discussed the RAC's recommendation for the declaration piece of the draft rules language. The Board had concerns about the RAC's recommendation that declarants only sign an attestation and provide a curriculum vitae (CV). Freeman and Fischer were concerned that the declaration would send a message that declarants were competent to practice. Austin asked what title the declarants would have, and Tucker Davis said there is no title associated with the process.

The Board also discussed the draft language for definitions, supervision of interventionists, form changes, recordkeeping and renewals. Donaldson explained how the new requirement for fingerprint-based background check works. Donaldson said that the RAC discussed the fiscal impact of the proposed language on the public, small business and units of government.

The statutory authority on the rule language is divided. The Board has authority over sections 824-030-0010 and 824-030-0020.

HLO has authority, but took comments from the Board on:

- 824-010-0005
- 824-030-0040
- 824-035-0005
- 824-040-0010

- 824-050-0010

Items for board action II

Kurt Freeman made a motion, with a second by Alice Austin, to move proposed administrative rule language in 824-030-0010 and 824-030-0020 forward into the rulemaking process. Motion passed.

Kurt Freeman made a motion, with a second by Alice Austin, to repeal 824-010-0010, 824-010-0020, 824-010-0030, 824-010-0040, 824-020-0010, 824-020-0020, 824-020-0030, 824-030-0030 through the rulemaking process. Motion passed.

Staff reminded the Board that the proposed rule notice will be in the Oregon Bulletin on Sept. 1, 2015, and that will open the public comment window.

Other board business

Mercer said the next meeting is Sept. 10, and can be a teleconference if Board members would prefer to call in. Mercer also said that the list of proposed new Board members may be available by then.

The Board meeting was adjourned at 3:42 p.m.

Minutes prepared by Anne Thompson, Policy Analyst