



HEALTH LICENSING OFFICE

Kate Brown, Governor

Oregon  
**Health**  
Authority

700 Summer St NE, Suite 320  
Salem, OR 97301-1287  
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**WHO:** Health Licensing Office  
Behavior Analysis Regulatory Board <http://www.oregon.gov/OHLA/Pages/index.aspx>

**WHEN:** 1:30 p.m. Sept. 10, 2015

**WHERE:** Health Licensing Office  
Rhoades Conference Room  
700 Summer St. NE, Suite 320  
Salem, Oregon

**\*This meeting will be a teleconference**

**What is the purpose of the meeting?**

The purpose of the meeting is to conduct board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Go to <http://www.oregon.gov/OHLA/BARB/Pages/meetings.aspx> for current meeting information.

**May the public attend the meeting?**

Members of the public and interested parties are invited to attend all board/council meetings. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

**May the public attend a teleconference meeting?**

Members of the public and interested parties may attend a teleconference board meeting **in person** at the Health Licensing Office at 700 Summer St. NE, Suite 320, Salem, OR. All audience members are asked to sign in on the attendance roster before the meeting. Public and interested parties' feedback will be heard during that part of the meeting.

**What if the board/council enters into executive session?**

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

**Who do I contact if I have questions or need special accommodations?**

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

# **Items for Board Action**

# **Approval of Agenda**



Health Licensing Office  
Behavior Analysis Regulatory Board



1:30 p.m., Sept. 10, 2015  
700 Summer St. NE, Suite 320  
Salem, Oregon

**\*This meeting will be a teleconference**

**Call to order**

**1. Items for board action**

- ◆ Approval of agenda
- ◆ Approval of the **revised** minutes for July 16, 2015, and the minutes for Aug. 13, 2015.
- ◆ Review of applications

**2. Reports**

- ◆ Director's report

**3. Public/interested parties' feedback**

**4. Other board business**

Agenda is subject to change.

For the most up to date information visit [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)

# **Approval of Minutes**



Health Licensing Office  
Behavior Analysis Regulatory Board



July 16, 2015  
700 Summer St. NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Jenny Fischer, Chair  
Harmony Miller  
Wendy Machalicek  
Amy Donaldson (via teleconference)  
Michele Raddish (joined at 1:35 p.m.)  
Alice Austin

**STAFF PRESENT**

Holly Mercer, Director  
Sylvie Donaldson, Fiscal Services and Licensing Manager  
Anne Thompson, Policy Analyst  
Sarah Kelber, Communications Coordinator  
Maria Gutierrez, Board Specialist

**MEMBERS ABSENT**

Kurt Freeman, Vice Chair

**GUESTS PRESENT**

Maria Lynn Kessler

**Call to order**

Chair Jenny Fischer called the Behavior Analysis Regulatory Board to order at 1:33 p.m. on July 16, 2015. Roll was taken.

**Items for board action**

◆ **Approval of agenda**

Harmony Miller made a motion, with a second by Wendy Machalicek, to approve the agenda. The motion passed unanimously.

◆ **Approval of minutes**

Alice Austin made a motion, with a second by Wendy Machalicek, to approve the minutes for June 18, 2015. The motion passed unanimously.

Harmony Miller made a motion, with a second by Michele Raddish, to approve the minutes for April 16, 2015. The motion passed unanimously.

◆ **Applications**

The Health Licensing Office (HLO) received applications from:

- Amber Crane – Behavior Analysis Interventionist
- Amy Tondreau – Behavior Analysis Interventionist

- Brooke Vera – Behavior Analysis Interventionist

Michelle Raddish made a motion, with a second by Alice Austin, to approve the behavior analyst interventionist applications. Motion passed.

The Health Licensing Office (HLO) received applications from:

- Michael Carlip – Behavior Analyst
- Erin Clark – Behavior Analyst
- Lauren Gatten – Behavior Analyst
- Meghan Johns – Behavior Analyst
- Julia Linden – Behavior Analyst
- Gary Strange – Assistant Behavior Analyst

By consent agenda, Harmony Miller moved, with a second by Michele Raddish, to approve the behavior analyst applications. Motion passed.

### **Reports**

#### ◆ Director's report

Director Holly Mercer reported that Senate Bill 696 had been signed and that the rulemaking process was underway. Mercer explained that it will be done in two phases; the first will focus on the areas that need to be addressed prior to Nov. 1, 2015, and the second will be in the spring and will focus on grandfathering and other issues. Mercer indicated that the Senate confirmations for the new Board would be in mid-September and the governor's office needed interest forms from members wishing to continue to serve by early August.

Mercer gave the Board an overview of the Office's transition to the Public Health Division of the Oregon Health Authority and explained how the new electronic-minutes system would impact Board meetings beginning in the fall.

#### ◆ Policy

Mercer said that on June 26, 2015, the Office sent out interest forms to the stakeholder groups chosen by the Board to be at the table for the rules advisory committee (RAC) meeting slated for Aug. 4, 2015. The representatives were:

1. Oregon Association for Behavior Analysis (2 representatives who practice behavior analysis)
2. Autism Speaks (1)
3. Oregon Insurance Division (1)
4. Insurance plan representative (1)
5. Autism Society of Oregon (1)
6. Consumer/parent of someone who uses ABA services (2)
7. Public member (1)
8. Faculty member from a 4-year accredited university with a program on behavior analysis (1)
9. Behavior Analysis Regulatory Board member (1)

On July 8, 2015, another interest form was sent out to stakeholders, adding these two additional RAC

positions:

- Behavior Analysis Interventionist – (1)
- An individual who was actively practicing applied behavior analysis on Aug. 14, 2013. (1)

Not all the groups got representatives; several applicants had more than one group, such as being a parent and a provider. Mercer said that in addition to hearing from RAC participants, anyone is welcome to come to the meeting and offer feedback during the public comment period. Written public comment also will be accepted.

The Board discussed the candidates and asked questions about the process. The Board chose:

1. Oregon Association for Behavior Analysis (2 representatives who practice behavior analysis) – Melissa Gard and Amy Loukus
2. Autism Speaks (1) – Paul Terdal
3. Oregon Insurance Division (1) – Tashia Sample
4. Insurance plan representative (1)
5. Autism Society of Oregon (1) – Barbara Avila
6. Consumer/parent of someone who uses ABA services (2) Tobi Rates, Laurie Stuebing, Brenna Legaard
7. Public member (1) Kelsie Davis
8. Faculty member from a 4-year accredited university with a program on behavior analysis (1) – Maria Lynn Kessler
9. Behavior Analysis Regulatory Board member (1) – Jenny Fischer
10. Behavior Analysis Interventionist (1) – Emily Kearney
11. An individual who was actively practicing applied behavior analysis on Aug. 14, 2013. (1) – Richard Fulton

The lack of consumers and public members, and the desire to have that “voice” at the table spurred the Board to extend the application deadline for consumers to July 27.

#### **Public/interested parties’ feedback**

Maria Lynn Kessler said she was interested in seeing how the RAC conversation went and that she knew of a consumer who applied late for the RAC. Anne Thompson said that in light of the Board’s deadline extension, the applicant would be contacted.

#### **Other board business**

None.

The Board meeting was adjourned at 3:13 p.m.

Minutes prepared by Anne Thompson, Policy Analyst



Health Licensing Office  
Behavior Analysis Regulatory Board

◆ ◆ ◆  
Aug. 13, 2015

700 Summer St. NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**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

# **Application Review**

HEALTH LICENSING OFFICE  
Behavior Analysis Regulatory Board

**Issue**

The Behavior Analysis Regulatory Board must approve or deny licenses and registrations.

**Recommendation**

The Board has received applications from:

- Erica Heuer – Behavior Analysis Interventionist
- Candace Kostianis – Behavior Analysis Interventionist
- Alicia Lynn Luis-Guerra – Behavior Analysis Interventionist
- Jaime Ta – Behavior Analysis Interventionist

By consent agenda, the Board moves to approve the application from:

- Juan Mesa – Behavior Analyst

**Items Redacted  
Available via Public  
Records Request**

# **Director's Report**

# **Public/Interested Parties' Feedback**

# **Other Board Business**



**Health Licensing Office  
Behavior Analysis Regulatory Board  
September 10, 2015**

**\*\*PLEASE PRINT\*\***

Name (First, Last)	Representing	Request to Comment (yes/no)
<del>NONE</del>		



**Health Licensing Office  
Behavior Analysis Regulatory Board  
September 10, 2015**

**\*\*PLEASE PRINT\*\***

<b>Name (First, Last)</b>	<b>Representing</b>	<b>Request to Comment (yes/no)</b>