

BEHAVIOR ANALYST COMMITTEE

MINUTES

APRIL 11, 2022

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Jesseca Hartman called the meeting to order at 10:09 a.m. in Conference Center- Room D of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Jesseca Hartman, BCBA, Chair
Leila Allen, BCBA
Dr. Richard Turner, M.D.
Dr. Jill Forte, Ph.D., BCBA
Vivian Heerens, Consumer Member- by phone

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Adam Harvey, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda.

Hartman/Turner
Motion carried 5-0-0

III. REVIEW OF DOCUMENTATION

A. Power Point

The Board reviewed a step-by-step PowerPoint of the Rule making process that was given by Mr. Harvey.

B. State of Kentucky

This is the public copies of the official Rules the Kentucky Board has put forth for Behavior Analysts. Included with the Rules are copies of their application, ethical codes, supervision information, renewal information, official definitions of practice, discipline procedures, telehealth practices, and role of the Board.

C. State of Ohio

This is the public copies of the official Rules the Ohio Board has put forth for Behavior Analysts. Included with the Rules are copies of their application, ethical codes, supervision information, renewal information, official definitions of practice, discipline procedures, telehealth practices, and role of the Board.

D. State of Michigan

This is the public copies of the official Rules the Michigan Board has put forth for Behavior Analysts. Included with the Rules are copies of their application, ethical codes, supervision information, renewal information, official definitions of practice, discipline procedures, telehealth practices, and role of the Board.

E. State of Virginia

This is the public copies of the official Rules the Virginia Board has put forth for Behavior Analysts. Included with the Rules are copies of their application, ethical codes, supervision information, renewal information, official definitions of practice, discipline procedures, telehealth practices, and role of the Board.

IV. DISCUSSION

A. Rule Making Process

Adam Harvey, OAG, presented a PowerPoint presentation for the rule making process, and provided clarification to the Committee members if they had questions. Once the Committee has a proposed rule, it will be presented to the Medical Licensing Board for their approval to begin the rule making process. A member of the Committee, or all members, can be present at that time to provide clarification of the proposed rule for the Board.

B. Disciplinary Process

Amanda Cassidy, OAG representative, presented the Attorney General disciplinary process. She stated that discipline starts with a Consumer Complaint being filed to their office for investigation. If the investigation finds there has been a violation of the statute or rules, charges can be filed against a practitioner with the Committee. An official hearing is then scheduled before the Committee for the Committee to determine whether disciplinary action is needed. Ms. Cassidy stated that they try to investigate any complaints within one year, and as part of that process they will subpoena records, conduct interviews, and look up public information to apply to the current laws.

The Committee members stated that part of the BACB is to receive ethical complaints against practitioners, and those violations would also need to be reported through the AG's Consumer Complaint process. Complaints are confidential during the process, and it will only become public domain if a violation is found and brought before the Committee. Potential disciplinary action the Committee can impose is a Letter of Reprimand, Probation, Suspension, or Revocation. Complaints are reported the National Practitioner Databank.

C. Review of National Association and Other State Board Rules

Ms. Allen stated she reached out to the BACB regarding how discipline is reported on the verifications. She stated that they do have official verification letters that can be requested for the purposes of verifying credentials.

The Committee reviewed the Rules from the other States and started their focus on application fees. Based upon what other States are doing, and calculating in educational expenses, salary, renewal, and Board certification the Committee proposed the fees for the applications to be \$150 for BCBAs and \$100 for BCaBAs. The IPLA staff informed the Committee of some standard application fees for applications, reinstatements, renewals, license cards, and verification of licensure.

The Continuing Education sections were reviewed. The Committee was provided a list automatically approved providers for all the professions, such as nationally recognized organizations. The Committee stated that for the BACB, to maintain their certificates for BCBAs they must complete thirty-two (32) hours of CE, four (4) of those must be in ethics and three (3) must be in supervision (if applicable). For BCaBAs they must complete twenty (20) hours of CE to maintain their Board certification.

Behavior Assistants were discussed regarding the supervision requirements of the practitioner per IC 25-8.5-3-2. The BCBAs will enter a contract with the Assistants, and if they have a license, then the Committee will need to verify the supervision is following the BACB and statutory guidelines. Because of how the Board certification cycle occurs, the Committee determined that this supervision reporting will need to occur during the renewal cycle. As several Assistants are working remotely the discussion of virtual supervision versus in person supervision occurred. IPLA stated that there are already some definitions of virtual supervision in place for licenses, however, they will need to define what they consider direct supervision.

D. Establishment of Next Meeting Date.

It was decided that the next scheduled meeting will be held May 16, 2022.

V. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Behavior Analyst Committee adjourned at 1:14 p.m.

Jessica Hartman, Chair

Date