



**Applied Behavior Analysis Advisory Committee
Regular Meeting Minutes
June 18, 2021**

Committee members present: Nancy Rosenberg, Chair, Ph.D., LBA, BCBA-D
Ralph Pampino, Jr., BCBA, LBA*
Amber Persons-Geer, MSW, LSWAIC, LABA
Mimi Dasgupta, Vice Chair M.Ed., LBA
Andrea Elderkin, Public Member

**Ms. Dasgupta left the meeting after Item 9. Public Comment*

Committee members absent: None

Staff members present: Kendra Pitzler, Program Manager
James Chaney, Executive Director
Chris Wright, Assistant Attorney General (AAG)
Karen Gohlsen, Program Support
Jeff Wise, Policy Analyst
Ashley Bell, Behavioral Health Coordinator

Guest presenters: Healthcare Authority: Melissa Kunder, Wesley Miller, Joan Chappell
DOH Facilities: Michelle Weatherly, Julie Tomaro

On June 18, 2021, the Applied Behavior Analysis Advisory Committee met via web conference. Notice of the meeting was published on the [Applied Behavior Analysis profession website](#) and was sent out through the GovDelivery listserv.

OPEN SESSION:

1. Opening of Public Meeting – Nancy Rosenberg, Chair

- 1.1. Call to Order - The chair called the meeting to order at 10:01 a.m. Committee and agency staff members introduced themselves and their area of practice.
- 1.2. Approval of the June 18, 2021 Meeting Agenda: *Motion to approve, seconded, vote 5-0.*
- 1.3. Approval of February 5, 2021 Regular Meeting Minutes: *Motion to approve, seconded, vote 5-0.*
- 1.4. Approval of March 1, 2021 Special Meeting Minutes: *Motion to approve, seconded, vote 5-0.*

2. Healthcare Authority Clarification of Emergency Rule for Billing - Wesley Miller, Joan Chappell and Melissa Kundar

In response to questions raised at the February meeting, Health Care Authority staff addressed questions and concerns regarding the emergency rule that currently allows ABA practitioners to use billing codes for many different telehealth services and receive reimbursement from Apple Health during the state of emergency.

3. Facilities Rules Process – Julie Tomaro and Michelle Weatherly

Facilities staff briefed committee members regarding the facilities rules project and addressed the rules that specifically relate to ABA facilities.

4. Executive Director Report – James Chaney, Executive Director

Mr. Chaney briefed committee members regarding the application backlog currently experienced by the credentialing unit due to the COVID-19 pandemic.

5. Legislative Update – Ralph Pampino, Vice Chair, Amber Persons-Geer, Committee Member, and James Chaney, Executive Director

Mr. Pampino and Ms. Persons-Geer were assigned to attend the legislative conference calls on behalf of the committee and reported back what they learned. Mr. Chaney also briefed the committee relating to legislation that was passed during the 2021 legislative session.

6. Program Manager Report – Kendra Pitzler, Program Manager

6.1. Disciplinary Statistics

Ms. Pitzler presented an overview of complaints received. For the period of January 1, 2021 – May 31, 2021 (see *Figure 3*), there were 20 complaints (11 for CBTs, two for LABAs and seven for LBAs). She also presented the statistics on the number of investigations opened (two for CBTs, two for LABAs, and one for LBAs). For the period of July 1, 2019 through May 31, 2021 (see *Figure 4*), there was a total of 67 complaints (38 for CBTs, two for LABAs and 27 for LBAs) with *Standard of Care* getting the largest share of complaints (21 total – ten CBT, one LABA, and ten LBA complaints). There were 30 investigations opened in that period (15 for CBTs, two for LABAs, 11 for LBAs, and two unlicensed individuals practicing as an LBA).

Figure 3 – Disciplinary Statistics – January 2021 through May 2021

ABA-Related Cases				
Case Nature	CBT	LABA	LBA	Total
Abuse/Neglect	1			1
Boundary Violation	1			1
COVID-19 Violation			1	1
Practicing without a Valid License	1			1
Sexual Misconduct			1	1
Standard of Care	4	1	2	7
Submitting False Claims			1	1
Substance Abuse	1			1
Supervision Inadequate			1	1
Violation of Regulations or Rules*	3	1	1	5
Grand Total	11	2	7	20

ABA-Related Reviews on Applications				
Case Nature	CBT	LABA	LBA	Total
Criminal Conviction on Application	3	-	-	3
Complaint on Another License	1	-	-	1
Grand Total	4	-	-	4

Unlicensed Cases Related to ABA Professions				
Case Nature	CBT	LABA	LBA	Total
Unlicensed Practice (never had a license)	-	-	1	1
Grand Total	-	-	1	1

*Violation of regulations or rules includes:

- Complaints that listed “Violation of Regulations or Rules” as Case Nature and “Unprofessional Conduct” as the Case-Alleged Issues.
- Complaints that list numerous violations within the Case Nature and/or Case-Alleged Issues.

Number of Investigations:	
License Type	Number of Investigations Opened
CBT (Violation of Regulations or Rules)	2
LABA (Violation of Regulations or Rules)	1
LABA (Standard of Care)	1
LBA (Standard of Care)	2
Total	6

Figure 4 – Disciplinary Statistics –July 2019 – May 2021

ABA-Related Cases				
Case Nature	CBT	LABA	LBA	Grand Total
Administrative Functions			1	1
Boundary Violation	2			2
Communication/Personality	1			1
Confidentiality	1			1
Criminal Conviction	1			1
COVID-19 Violation			4	4
Medical Records – Failure to Maintain or Provide			1	1
Mental Disorder	1			1
Patient Abandonment	5			5
Patient Abuse – Abuse/Neglect	4			4
Patient Care/Standard of Care	10	1	10	21
Practicing without a Valid License	1			1
Sexual Misconduct			1	1
Submitting False Claims			1	1
Substance Abuse	3		1	4
Supervision/Delegation (Improper/Inadequate)			2	2
Theft/Financial Exploitation	1			1
Violation of Regulations or Rules*	8	1	4	13
Other			2	2
Grand Total	38	2	27	67

ABA Related Reviews on Applications				
Case Nature	CBT	LABA	LBA	Grand Total
Criminal Conviction on Application	9		1	10
Complaint on another License	1			1
License Disciplinary Action in Another Jurisdiction	1			1
Grand Total	11	0	1	12

Unlicensed Cases Related to ABA Professions				
Case Nature	CBT	LABA	LBA	Grand Total
Unlicensed Practice (never had a license)	4		1	5
Grand Total	4	0	1	5

*Violation of regulations or rules includes:

- Complaints that listed “Violation of Regulations or Rules” as the Case Nature and “Unprofessional Conduct” as the Case-Allged Issues.
- Complaints that list numerous violations within the Case Nature and/or Case-Allged Issues.

Number of Investigations:	
License Type	Investigations Opened
CBT	15
LABA	2
LBA	11
Unlicensed (practicing as an LBA)	2
Total	30

6.2. Program Budget

Ms. Pitzler presented the budget report to the committee and noted that the fund balance has a surplus of \$556,336 as of May 2021, an increase from the previous quarter. The largest variance in direct costs was for the credentialing unit, followed by the cost for the new licensure system ([HELMS](#)), which DOH plans on rolling out to the public in July 2022.

7. 2022 Meeting Dates

The committee selected meeting dates for 2022:

- February 4, 2022
- June 17, 2022
- October 7, 2022

8. Review of ABA Rule-Change Draft

This item has been tabled due to time constraints. A special meeting will be scheduled for July 20, 2021 to review the draft.

9. Public Comment – Nancy Rosenberg, Chair

Andrea Elderkin (public member on the committee) shared concerns from Arzu Forough, President & Chief Executive Officer of Washington Autism Advocacy regarding adult access to ABA services.

10. Future Business – Nancy Rosenberg, Chair

- Schedule a special meeting to review rule-change language
- Credentialing report (pending availability)
- Discussion of adult ABA issues

11. Adjournment

The meeting was adjourned at 1:07 p.m.

Submitted by:

Kendra Pitzler, Program Manager
Applied Behavior Analysis Advisory
Committee

Approved by:

Nancy Rosenberg, Chair
Applied Behavior Analysis Advisory
Committee

on file

SIGNATURE

DATE

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