



**Applied Behavior Analysis Advisory Committee
Regular Meeting Minutes
October 8, 2021**

Committee members present: Nancy Rosenberg, Chair, Ph.D., LBA, BCBA-D
Ralph Pampino, Jr., BCBA, LBA
Mimi Dasgupta, Vice Chair M.Ed., LBA
Andrea Elderkin, Public Member

Committee members absent: Amber Persons-Geer, MSW, LSWAIC, LABA

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

Guest presenters:

On October 8, 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:

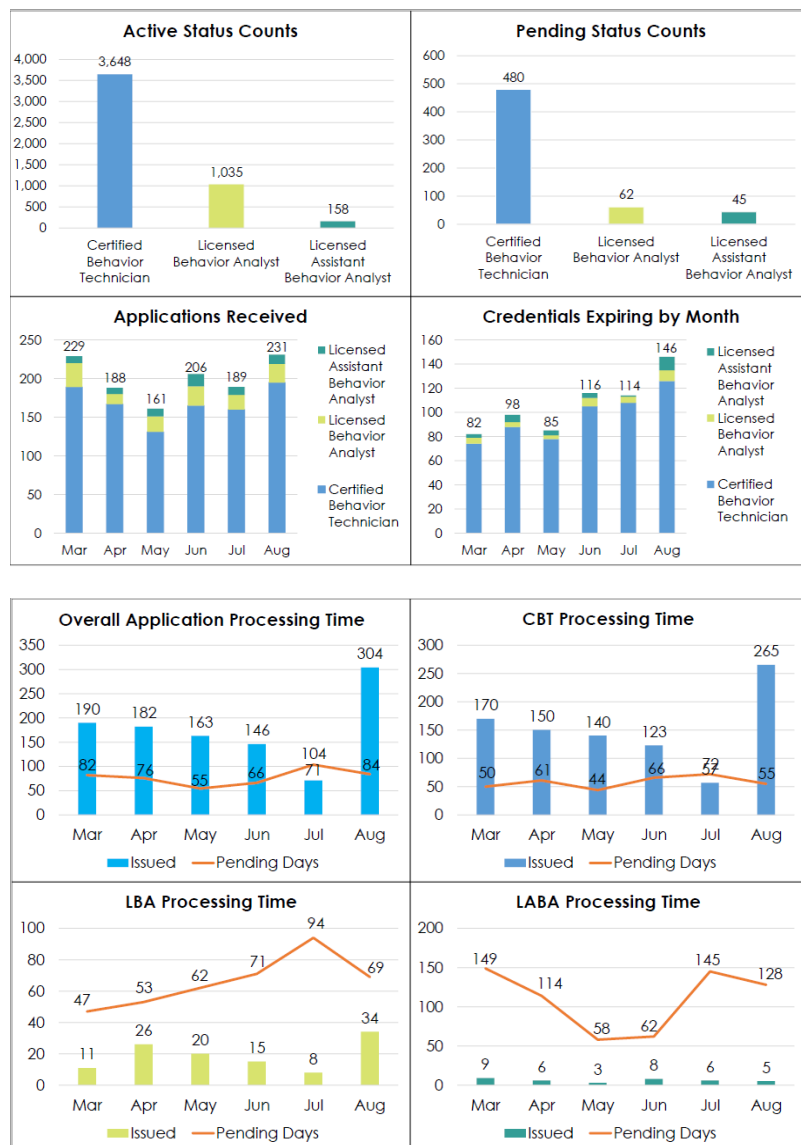
1. Opening of Public Meeting – Nancy Rosenberg, Chair

- 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 October 8, 2021 Meeting Agenda: *Motion to approve, seconded, vote 4-0.*
- 1.3. Approval of June 18, 2021 Regular Meeting Minutes: *Motion to approve, seconded, vote 4-0.*
- 1.4. Approval of July 20, 2021 Special Meeting Minutes: *Motion to approve, seconded, vote 4-0.*

2. ABA Program Statistics

2.1. Credentialing Report - Kevin Robbins, Credentialing Review Supervisor

Mr. Robbins briefed the committee on the latest licensing statistics.



2.2. Disciplinary Statistics - Ms. Pitzler briefed the committee on the program's disciplinary statistics (June - August 2021 and the full 2019-2021 biennium)

July 1, 2019 – June 30, 2020 (Full Biennium)

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	2			2
Sexual Misconduct			1	1
Submitting False Claims			1	1
Substance Abuse	4		2	6
Supervision/Delegation (Improper/Inadequate)			2	2
Theft/Financial Exploitation	1			1
Violation of Regulations or Rules*	9	1	4	14
Other			2	2
Grand Total	41	2	28	71

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		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-Alleged Issues.
- Complaints that list numerous violations within the Case Nature and/or Case-Alleged Issues.

Number of Investigations:	
License Type	Investigations Opened
CBT	16
LABA	2
LBA	10
Unlicensed (practicing as an LBA)	4
Total	32

July 1, 2021 – August 31, 2021

ABA-Related Cases				
Case Nature	CBT	LABA	LBA	Total
Abuse/Neglect	1			1
COVID-19 Violation			2	2
Patient Abandonment	1			1
Standard of Care	1			1
Unable to Practice Safely/Psych or Mental Disorder	1	1		2
Theft	1			1
Violation of Regulations or Rules*	1			1
Grand Total	6	1	2	9

ABA-Related Reviews on Applications				
Case Nature	CBT	LABA	LBA	Total
Criminal Conviction on Application	1	1	-	2
Grand Total	1	1	-	2

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

*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)	1
CBT (Patient Abandonment)	1
CBT (Unable to Practice Safely)	1
CBT (Standard of Care)	1
LABA (Unable to Practice Safely)	1
LBA (COVID 19 Violation)	1
Total	6

3. Adult ABA Issues – Kendra Pitzler, Program Manager

At the previous meeting, committee member Andrea Elderkin submitted a letter from Arzu Forough, President & Chief Executive Officer of Washington Autism Advocacy regarding an issue regarding adult ABA clients who are not residing with their parents to be able to have unlicensed individuals to provide support in consultation with the license behavior analyst. The ABA chair and vice chair, along with DOH staff, met with Ms. Forough to get clarity on the issue. Ms. Pitzler briefed the committee on what was discussed and suggested an interpretive statement to make it clear that this type of consultation is allowed for an

unlicensed person who does not provide primary care. Committee members agreed. Ms. Pitzler will bring a draft to the next regular meeting.

4. ABA Licensure Rules Update - Kendra Pitzler, Program Manager

Ms. Pitzler briefed the committee on the status of updating the administrative rules for the program. She presented draft language based on the workshop held on July 20, 2021. Next steps: filing the draft language (CR-102) with the Office of Code Reviser and scheduling a hearing for some time in 2022. She anticipates filing the final language (CR-103) to happen sometime in the spring/summer of 2022.

5. Executive Director Report – James Chaney, Executive Director

Mr. Chaney briefed the committee regarding [ESSB 5229](#) (Concerning health equity continuing education for health care professionals). By January 1, 2023, health care professions that are subject to continuing education requirements must adopt rules requiring licensees to complete health equity continuing education training at least once every four years. He requested and was granted an agenda item for future meetings to keep the committee informed on the progress of the implementation.

6. Program Manager Report – Kendra Pitzler, Program Manager

Ms. Pitzler provided an update to the committee regarding the facilities rules workshop that that was held on September 16, 2021, including the revision of [WAC 246-341-0728](#).

7. Public Comment – Nancy Rosenberg, Chair

There was no public comment.

8. Future Business – Nancy Rosenberg, Chair

- ESSB 5229 status update
- Legislative update for the 2022 session
- Discussion re elimination of CBT as a licensed profession
- Rules update

9. Adjournment

The meeting was adjourned at 11:26 a.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

on file

SIGNATURE

DATE