



**Applied Behavior Analysis Advisory Committee
Regular Meeting Minutes
February 5, 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

**Mr. Pampino arrived at the beginning of Item 1.3*

Committee members absent: None

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

Guest presenters: None

On February 5, 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.

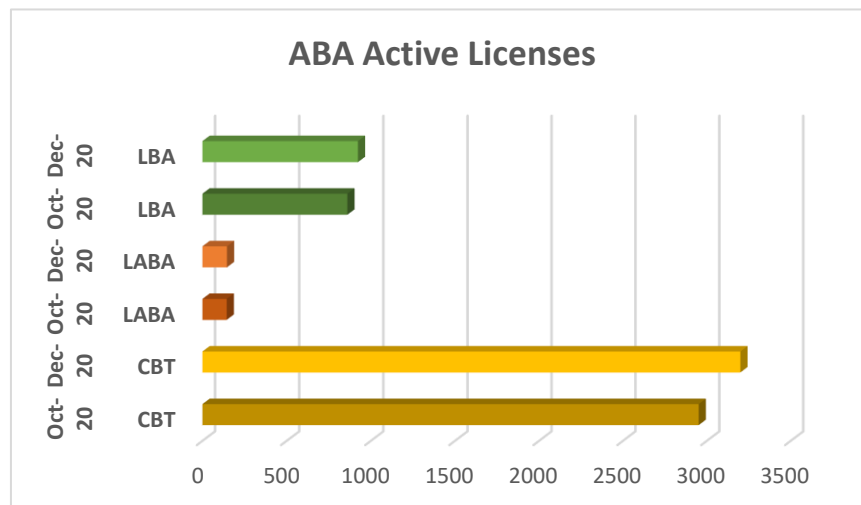
1. Opening of Public Meeting – Nancy Rosenberg, Chair

- 1.1. Call to Order - The chair called the meeting to order at 10:02 a.m. Committee and agency staff members introduced themselves and their area of practice.
- 1.2. Approval of the February 5, 2021 Meeting Agenda: *Motion to approve, seconded, vote 4-0.*
- 1.3. Approval of December 4, 2020 Regular Meeting Minutes: *Motion to approve, seconded, vote 5-0.*

2. ABA Program Statistics

2.1. *Credentialing Report – Kendra Pitzler, Program Manager*

Due to the burden of the pandemic on credentialing staff, Mr. Robbins was unable to attend and could not provide a current report. Ms. Pitzler was able to pull some data and presented current credentialing statistics from December 2020 and compared those with the statistics from the October 2020. Regarding active licenses, CBTs increased from 2,952 to 3,200, LABAs increased slightly from 144 to 146, and LBAs increased from 861 to 924.



Licenses in pending status has also decreased for CBTs (from 417 to 367), LBAs (from 61 to 51), and LABAs (from 26 to 20). In addition, the number of new applications received continues to outpace expiring credentials and processing times have, on average, decreased.

Mr. Pampino asked if there was any progress reducing the current processing time for CBT applications as he is aware of some applications taking over 60 days to process. Ms. Pitzler responded that the credentialing unit was significantly affected by the impact of the pandemic and they are currently looking to hire more staff and resume some in-office operations. Mr. Pampino added that it would be helpful for the credential unit supervisor to be present at the next meeting to discuss the issue or to set up a special meeting at some time in the future. For the time being, Ms. Pitzler recommended to those who are having trouble getting applications processed should reach out to her or the Executive Director, James Chaney.

2.2. *Disciplinary Statistics – Kendra Pitzler, Program Manager*

Ms. Pitzler presented an overview of complaints received. For the period of November 1, 2020 through December 31, 2020 (see *Figure 3*), there were seven complaints (five for CBTs and two for LBAs). She also presented the statistics on the number of investigations opened (two for CBTs and one for LBAs). For the period of July 1, 2019 through December 31, 2020 (see *Figure 4*), there was a total of 47 complaints (27 for CBTs and 20 for LBAs) with *Patient Care* getting the largest share of complaints (11 – five CBT and six LBA complaints). There were 24 investigations opened in that period (13 for CBTs, nine for LBAs, and two unlicensed individuals practicing as an LBA).

Figure 3 – Disciplinary Statistics – November 2020 through December 2020

ABA-Related Cases				
Case Nature	CBT	LABA	LBA	Total
Communication/Personality	1			1
COVID-19 Violation			1	1
Criminal Conviction	1			1
Standard of Care	1			1
Substance Abuse	1			1
Theft/Financial Exploitation	1			1
Violation of Regulations or Rules*			1	1
Grand Total	5		2	7

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

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 (Criminal Conviction & Theft)	2
LBA (Violation of Regulations or Rules)	1
Total	3

Figure 4 – Disciplinary Statistics –July 2019 – December 2020

ABA-Related Cases				
Case Nature	CBT	LABA	LBA	Grand Total
Administrative Functions			1	1
Boundary Violation	1			1
Communication/Personality	1			1
Confidentiality	1			1
Criminal Conviction	1			1
COVID-19 Violation			3	3
Medical Records – Failure to Maintain or Provide			1	1
Mental Disorder	1			1
Patient Abandonment	5			5
Patient Abuse	3			3
Patient Care	5		6	11
Standard of Care	1		2	3
Substance Abuse	2		1	3
Supervision/Delegation (Improper/Inadequate)			1	1
Theft/Financial Exploitation	1			1
Violation of Regulations or Rules*	5		3	8
Other			2	2
Grand Total	27	0	20	47

ABA Related Reviews on Applications				
Case Nature	CBT	LABA	LBA	Grand Total
Criminal Conviction on Application	5		1	6
License Disciplinary Action in Another Jurisdiction	1			1
Grand Total	6	0	1	7

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

*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	13
LBA	9
Unlicensed (practicing as an LBA)	2
Grand Total	24

3. Program Budget – Kendra Pitzler, Program Manager

Ms. Pitzler presented the budget report to the committee and noted that the fund balance has a surplus of \$436,161. 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.

4. Legislative Conference Call – Amber Persons-Geer, Board Member & James Chaney, Executive Director

Ms. Persons-Geer and Mr. Chaney briefed the committee regarding legislation from the 2021 legislative session that may be of interest to the committee, including:

- [E2SHB 1086](#) - Creating the state office of behavioral health consumer advocacy.
- [SB 5213](#) - Clarifying the authority and role of the office of developmental disabilities ombuds.
- [SB 5229](#) - Concerning health equity continuing education for health care professionals.
- [HB 1180](#) - Concerning public testimony at public meetings, including virtual meetings.
- [SB 5163](#) - Concerning the placement and treatment of conditionally released sexually violent predators.
- [HB 1354](#) - Concerning suicide review teams.

5. Executive Director Report – James Chaney, Executive Director

Ms. Pitzler provided clarification regarding the [requirements for telehealth training](#), including an [interpretive statement](#) from DOH, which states that the training should be completed by June 30, 2021. The telehealth training is [available online](#) via the Washington Telehealth Collaborative.

Ms. Persons-Geer pointed out that currently, ABA providers are able to bill Apple Health (Medicaid) for many different services under telehealth. This was implemented due to the state of emergency implemented as a result of the COVID-19 pandemic. Before that, the only acceptable Apple Health billing code for telehealth was for training parents. Committee members are wondering if the telehealth billing will revert back when the state of emergency is lifted or if there is a way to allow other ABA services to continue to be acceptable for Apple Health. The committee asked Ms. Pitzler to reach out to the Health Care Authority (HCA) to request a Q&A at a future meeting regarding Apple Health billing.

There was also a question from a member of the public regarding telehealth and [WAC 246-805-310](#), which requires supervision be within “sight and hearing” for CBT trainees, but does not describe the method of doing that. After some discussion about how best to clarify the requirements, Ms. Pitzler asked the member of the public to email the question to her and the department would provide a response.

6. Committee Discussion relating to RCW 18.380.090 allowing reciprocity for ABA applicants who are licensed in another state or province.

The committee discussed creating rules related to [RCW 18.380.090](#), which states that “An applicant holding a license in another state or a province of Canada may be licensed to practice in this state if the secretary determines that the licensing standards of the other state or province are substantially equivalent to the licensing standards in this chapter.” Ms. Pitzler will work with AAG Eaton to draft rule language to align with the RCW and will share it with the committee at a future meeting.

7. Review Draft ABA Rule Changes – Kendra Pitzler, Program Manager

Ms. Pitzler opened the discussion regarding updating the profession’s rules by talking about the committee’s role in rulemaking. The first topic of discussion pertained to creating temporary permits, which would be in effect for a limited period and intended to make it more convenient and cheaper for those who are out of state who are licensed to practice and meet the requirements for licensure established by the secretary. Ms. Pitzler will work with Mr. Eaton to draft language for temporary permit and share it with the committee. The rules discussion was cut short due to time constraints and has been tabled until a special meeting is scheduled to continue the discussion.

8. Facilities Rules Process – Kendra Pitzler, Program Manager

In the previous meeting, there was a question from the public regarding the inclusion of ABA facility requirements in the rules ([WAC 246-341-0728](#)). Ms. Pitzler confirmed the rule is still in effect, however it is scheduled to be removed since ABA is now a regulated profession and reimbursement of ABA professionals will be based on the professional license and not the facility rules. She added that it should be an easier process for ABA professionals moving forward. A link was provided to meeting attendees to the behavioral health “[Rules in Progress](#)” page to stay informed on upcoming events and workshops.

9. Public Comment – Nancy Rosenberg, Chair

There were no comments from the public.

10. Future Business – Nancy Rosenberg, Chair

- Schedule a special meeting to continue the rules discussion
- Legislative call update
- Health Care Authority Q&A regarding billing
- Credentialing report (pending availability)

11. Adjournment

The meeting was adjourned at 1:55 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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DATE