

**Kansas Behavioral Sciences Regulatory Board
Licensed Behavior Analyst Advisory Committee
February 9, 2022, 10:30 a.m. Meeting**

Draft Minutes

- I. Call to Order:** Bruce Nystrom, Chair of the Advisory Committee, called the meeting to order at 10:30 a.m.

Committee Members attended: Bruce Nystrom, Allison Bell, Jacqueline Lightcap, Kimberly Becker, Linda Heizman-Powell, Mike Wasmer, Emily Kessler, Christine Stiehl, Pete Peterson, Claudia Dozier, Alice and Zhang, were present by Zoom.

BSRB Staff in Attendance: David Fye and Leslie Allen attended by Zoom.

- II. Agenda Approval.** Pete Peterson moved to approve the agenda as written. Claudia Dozier seconded. The motion passed.
- III. Minutes Approval.** Linda Heizman-Powell moved to approve the minutes from the meeting on October 27, 2021. Kimberly Becker seconded. The motion passed.
- IV. Introduction of new Advisory Committee Members.**
- V. Executive Director's Report -** David Fye, Executive Director for the BSRB, reported on the following items:
- A. BSRB Staff Update.** As of January 4, 2022, all BSRB licensing staff is back in the office full-time. Investigators are using a hybrid model, working in the office three days each week and utilizing the BSRB Telework Pilot two days each week. The BSRB filled an open Administrative Assistant position at the end of December. The BSRB was closed Wednesday, February 2, 2022, due to inclement weather, but most staff were still able to work remotely due to current technology.
- B. January Board Meeting.** The Executive Director provided updates from the Board meeting on January 10, 2022. The previous Board Governance Policy was last modified in 2011. In the fall, the Board recommended significant changes and the document has been replaced by two new documents: (1) an Expectations of Board Members Policy and (2) an Advisory Committee Policy. The Board discussed whether to pursue statutory changes to allow persons with more than one license to be able to renew their license at the same time. The Board was supportive of allowing syncing of the expiration date of multiple licenses, but not to make it a requirement. The BSRB will be working on proposed language to make this change.
- C. 2022 Legislative Session.** On January 11, 2022, the Governor provided the State of the State address. Legislation was requested on behalf of BSRB in the Senate Committee on Public Health and Welfare. The bill including the recommendations of

the Board of the BSRB is Senate Bill 387. An announcement about the bill is on the BSRB website. The Executive Director provided a summary of the three items in the bill. The bill hearing will be in the Senate Public Health and Welfare Committee on Wednesday, February 9, 2022, at 8:30am.

- D. Budget Update.** The Governor's recommendation for the agency's budget was the same amount as the BSRB's revised estimates in FY 2022 and FY 2023. The budget for the BSRB was approved by the House Budget Committee and was reported out of House Appropriations Committee favorably with no changes. The agency's budget will be heard by the Senate Transparency and Ethics Committee on Wednesday, February 9, 2022, and is scheduled to be reported out of the Senate Ways and Means Committee on Friday, February 11, 2022.
- E. FARB Conference.** The Executive Director was invited to speak at the Federal Association of Regulatory Boards (FARB) annual conference in Fort Worth, Texas, on the topic of Public Protection Through Creative Access to Information. On Friday, February 4, 2022, the Executive Director attended Day 1 of the annual meeting of the American Association of State Counseling Boards (AASCB). One of the topics discussed at the conference was telehealth standards. Day 2 of the annual meeting will be on Friday, February 18, 2022.

VI. Old Business

- A. Consideration of Adding Behavior Analyst to the Board of the BSRB:** Advisory Committee members discussed that while the Behavior Analyst profession is regulated by the BSRB, no Behavior Analyst serves as a Board member. The Executive Director noted that existing BSRB statutes name the professions for the 8 professional members on the Board, but no statutory language directs there to be a Behavior Analyst on the Board. Therefore, it would take a bill passed by the Legislature to add a Behavior Analyst to the Board of the BSRB. The Advisory Committee recommended forwarding a request for the Board to include in legislation the addition of a member to the Board to represent the Behavior Analyst profession.

VII. New Business

- A. Review of K.S.A 65-7502 Qualifications for License.** The Executive Director noted an individual contacted the BSRB with questions about applying for licensure. The individual was not accredited by the Behavior Analyst Certification Board (BACB), but by the Qualified Applied Behavior Analysis Credentialing Board and inquired about licensure under K.S.A. 65-7502. Under this statute, a "Licensed Behavior Analyst" is defined as "an individual who is certified by the certifying entity as a certified behavior analyst and meets the licensing criteria as established by the board by rules and regulations." Also in this statute, a "certifying entity" is defined as "the national accredited behavior analyst certification board or other equivalent nationally accredited nongovernmental agency approved by the behavioral sciences regulatory board which certifies individuals who have completed academic, examination,

training and supervision requirements in applied behavior analysis.” The Executive Director noted the Board recognizes the BACB as the national accrediting body, but the Board has not approved any other entities to meet the standard of being an equivalent nationally accredited nongovernmental agency. Additionally, the regulations contain little information clarifying the criteria that should be used to compare the accrediting standards for BACB to other entities seeking to be determined by the Board to have substantially equivalent standards. The Executive Director noted the decision on licensure is with the Board, however he wanted to have a discussion on the process of reviewing other entities with the Advisory Committee. Members of the Advisory Committee discussed whether there was familiarity with the QABA and discussed the value of reviewing analysis on the entities criteria for accrediting applicants. Advisory Committee members noted they worked on regulatory language in the past, so the Executive Director noted he would research this past work by the Advisory Committee and bring it back to the Advisory Committee for further review.

- B. Training for Board/Advisory Committee Members.** The Executive Director provided training to Board members and Advisory Committee members serving on the Advisory Committee, including an overview of the Expectations of Board Members Policy, the Advisory Committee Policy, Guidelines for Public Attendees of Meetings, and a summary of Board Member and Advisory Committee Orientation prepared by Assistant Attorney General Janet Arndt.
- C. Discussion on Unprofessional Conduct Regulations.** The Executive Director noted Advisory Committee members received a copy of the unprofessional conduct regulations for the profession and asked members to review the regulations to be able to discuss whether any changes are needed at the next Advisory Committee meeting. The Executive Director noted the importance of Advisory Committees reviewing the statutes and regulations for the professions to make sure those documents do not contain outdated terminology and take into consideration changes in technology, such as social media and telehealth.
- D. Discussion on Committee Work for the Upcoming Year.** Linda Heizman-Powell requested an item be added to the agenda for a future meeting to discuss the possibility of adding a Behavior Analyst to the Complaint Review Committee of the BSRB.

VIII. Next Meeting: The next meeting was scheduled for Wednesday, April 15, 2022.

IX. Adjournment: Bruce Nystrom moved to Adjourn. Linda Heizman-Powell seconded. The motion carried.