

**Kansas Behavioral Sciences Regulatory Board
Behavior Analyst Advisory Committee
June 8, 2022**

Approved Minutes

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

Committee Members: Bruce Nystrom, Jacqueline Lightcap, Allyson Bell, Claudia Dozier, Linda Heitzman-Powell, Emily Kessler, Pete Peterson, Christie Stiehl, Mike Wasmer, and Alice Zhang were present by Zoom.

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

- II. Agenda Approval.** Approved as written with no changes.
- III. Minutes Approval.** Emily Kessler moved to approve the minutes. Pete Peterson seconded. The motion passed.
- IV. Executive Director's Report.** The Executive Director for the BSRB reported on the following items:
- A. Agency Updates.** The BSRB is still under the Governor's direction to avoid in-person meetings. The Executive Director noted he will update the Advisory Committee when that direction is changed. Until the limitation is lifted, the BSRB will continue to hold most Board and Advisory Committee meetings virtually. The Executive Director provided an update on the BSRB Fee Fund, which has a balance of about \$2.0 million. As part of the yearly performance evaluation process from the Department of Administration, all state employees should have a mid-year check-in to allow supervisors to provide feedback on their performance, allow questions from staff, and consider changes to work responsibilities. The Executive Director noted that the BSRB will provide mid-year check-in meetings for all employees later this month.
- B. Board Meeting on May 9.** The Board discussed the pre-approval of continuing education (CE) hours and the pre-approval of CE providers. All Advisory Committees were asked to discuss whether their profession would want pre-approved CEs, as currently only the social work profession has pre-approved CE providers and pre-approved CE classes. At the Board meeting, there was a split as some Advisory Committees requested this change while other Advisory Committees did not. Also at the Board meeting, 15 Advisory Committee members were reappointed to new two-year terms and those terms will start in July, as the state fiscal year begins on July 1. The Board recognized three Advisory Committee members that had served the maximum number of years of service on the Advisory Committees. The Board passed a delegation motion allowing for alternate presiding officer in the event that the Chair

and the Vice-Chair of the Board are unavailable for a meeting; reviewed draft language for regulations discussed at past meetings; and considered a model from Minnesota to provide a temporary license to students who graduate from schools that are in candidacy for Council for Social Work Education (CSWE) accreditation. The Board received a report from the Executive Director with potential changes to the Board's Investigation Policy and creation of subcommittees were requested by the Professional Counselor Advisory Committee (unprofessional conduct regulation review) and the Marriage and Family Therapy Advisory Committee (creation of a supervision manual similar to the existing manual for the social work profession.)

C. Other Meetings and Events. The Executive Director attended an Educator meeting for the Association of Social Work Boards (ASWB) and the Mid-Year Meeting from the Association of State and the Provincial Psychology Boards (ASPPB). The Executive Director provided a summary of items discussed at these meetings, including an announcement from the American Psychology Association (APA) that the body is working on accreditation standards for Master's Level Psychology programs and hopes to have these standards available for comment in the fall of 2023. The executive director will be attending a conference on August 3 hosted by the National Board of certified counselors in Philadelphia. The Executive Director note he attended a townhall meeting by ASPPB on the EPPP-2. The Executive Director provided an update on the Psychology Interjurisdictional Compact (PSYPACT), including the current number of Licensed Psychologists in Kansas who identify Kansas as their home-state and who are practicing under the compact.

V. Old Business

A. Discussion on K.S.A. 65-7502 Qualifications for License and Consideration of the Qualified Applied Behavior Analysis (QABA) Credentialing Board. The Chair noted the Advisory Committee received information at the previous Advisory Committee meeting from Hollie Benincosa, Executive Director for the QABA Credentialing Board. At this meeting, the Advisory Committee was asked to discuss whether to recommend that QABA be added to the definition of "certifying entity" under the behavior analyst licensing statute K.S.A. 65-7502(e), whether to recommend that the QABA be considered a "equivalent nationally accredited nongovernmental agency approved by the BSRB" also in K.S.A. 65-7502(e), or whether a different recommendation was appropriate. The Executive Director noted Advisory Committee members had been provided with background information on standards for both QABA and also the currently recognized accrediting body in statute, the Behavior Analyst Certification Board (BACB). Advisory Committee members asked whether two entities could be named in the licensing statute. The Executive Director noted that two professions under the BSRB identify no national accrediting body, but he does not believe there would be a technical issue with identifying two accrediting bodies in the statute, if that was the recommendation of the Advisory Committee. Advisory Committee members discussed concerns with the quality and integrity of the credentialing requirements and testing, the transparency of the organizational structure and its operations, and the autonomy in decision-making.

Other concerns were noted regarding the low number of states that recognize QABA, the low number of individuals in Kansas certified by QABA, and the difficulty in clarifying information on the entity when Advisory Committee members research additional information independently. Advisory Committee members discussed whether BACB and QABA were equivalent, but among other differences that were discussed, it was noted that both entities had different standards for being able to take the appropriate examinations and each entity administered a different examination. The Advisory Committee did not recommend adding QABA to the definition of “certifying entity” under K.S.A. 65-7502(e). Emily Kessler moved to recommend to the Board that, for the purposes of licensing candidates under the BSRB, the Advisory Committee found that the QABA group did not appear to be substantially equivalent to the BACB and there were concerns from the Advisory Committee about QABA. Allyson Bell Seconded. The motion passed.

B. Continued Discussion on Unprofessional Conduct Regulations. Advisory Committee members expressed support for the creation of a more “user friendly” document listing the unprofessional conduct regulations. The Executive Director noted other Advisory Committees had also requested the creation of a similar document for members of the public and licensees. The BSRB will be pursuing creation of this type of document, after each of the Advisory Committees have resolved changes to the existing unprofessional conduct regulations. Advisory Committee members discussed challenges meeting different documentation standards from entities that provide reimbursements for services, though it was noted that the BSRB would not have control over those entities. Advisory Committee members noted that states have different unprofessional conduct regulations and questioned whether any effort could be made for states to align their standards. The Executive Director noted that each state retained jurisdictional authority to set the unprofessional conduct standards in that state, but that he would seek to locate and provide the unprofessional conduct standards for surrounding states to the Advisory Committee members for review at the next meeting. It was also noted that the BSRB unprofessional conduct regulations differed from the BACB ethical guidelines. Advisory Committee members expressed support for a document that would compare the differences between these two standards. Christie Stiehl volunteered to create a document comparing the BSRB unprofessional conduct regulations to the ethical guidelines for the BACB and she noted that she would share this document with the members of the Advisory Committee at the next meeting.

VII. New Business

A. Discussion on 2016 HB 2690 Amending the Applied Behavior Analysis Licensure Act. The Executive Director noted the statutes for the Behavior Analyst profession are structured differently from the other professions under the BSRB and noted that changes should be discussed and considered to make the statutes more in line with the other professions. In researching past legislation involving the profession, the Executive Director located HB 2690 from the 2016 legislative session. The Executive Director noted this bill received a hearing, but did not pass out of committee, and he

questioned whether this bill could be the base for helpful changes for the Behavior Analyst statutes. Advisory Committee members noted the value of standardizing the structure of the statutes and making them more in-line with the other professions under the BSRB, but did not specifically support of using 2016 HB 2690 as a base for future changes to the statutes. Advisory Committee members expressed concerns that opening up the statutes for changes could possibly result in the Legislature eliminating the statutes for the profession entirely. Advisory Committees discussed that it would be helpful to consider changes to the regulations, as some of the language in the existing regulations was written based on prior policies for the BACB and some of those policies have changed over time. The Executive Director asked the members of the Advisory Committee to review the current regulations for the profession and to bring back comments on potential changes to be discussed at the next Advisory Committee meeting. Additionally, the Executive Director noted if the members of the Advisory Committee had any recommended changes to statutes, those items could be discussed and recommended at the next Advisory Committee meeting.

- VIII. Next Meeting:** Due to conflicts, members were unable to select a date for the next Advisory Committee meeting. The Executive Director stated he would poll the Advisory Committee members availability after the meeting and would send a date for the August meeting when it was determined.
- IX. Adjournment:** Linda Heitzman-Powell moved to adjourn. Claudia Dozier Seconded. The motion passed.