In accordance with the Open Public Meetings Act, the agenda for this regular meeting was made available online at least 24-hours prior to the start time of the meeting pursuant to RCW 42.30.077.

For more information please see last page of this agenda

Please Note: Comments from the public in attendance may be solicited after each agenda item.

This meeting is available via GoToMeeting, please see the additional information on the last page of this agenda.
1 Call to Order
1.1 Introductions
1.2 Approval of Agenda
1.3 Approval of September 15, 2017 Meeting Minutes

2 Future meetings
Committee will discuss and choose 2018 meeting dates and format

3 Credentialing Report
Credentialing staff will present license statistics.

4 Rules Update
4.1 Continuing Education
Department staff will provide status update.
4.2 Temporary Licensing
Department staff will provide status update.

5 Interpretive Statement
Department staff will share Interpretive Statement: Supervision of Applied Behavior Analysis Licensees by Psychologists

6 Licensing/Application Q & A
Department of Health staff will respond to any questions regarding licensing and applications.

7 Public Comment
Public will have the opportunity to provide comments.

8 Future Business
The board will discuss agenda items for future meetings.

9 Adjournment

Next Scheduled Meeting
TBD
Times and Order: Times are approximate. The meeting will continue until all agenda items are complete. This agenda schedule may change and items may not be taken in order of the agenda.

Accessibility: This meeting is accessible to persons with disabilities. Special aids and services can be made available upon advanced request. Advance request for special aids and services must be made no later than one week before the meeting. To make such a request, you may leave a message with your request at 1-800-525-0127. If necessary to make this call, you may access Telecommunication Device for the Deaf (TDD) TDD by calling the TDD relay service at 1-800-833-6388 or 711. If you need assistance due to a speech disability, Speech-to-Speech provides human voicers for people with difficulty being understood. The Washington Speech-to-Speech toll free access number is 1-877-833-6341.

This meeting is fragrance free. We ask that you please refrain from applying perfume, hairspray, cologne or aftershave prior to your visit. Your cooperation is appreciated.

All regular meetings are recorded.

GoToMeeting Information:

ABA Advisory Meeting
Fri, Nov 3, 2017 10:00 AM - 11:30 AM PDT

Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/336775429

You can also dial in using your phone.
United States: +1 (786) 535-3211

Access Code: 336-775-429

First GoToMeeting? Let's do a quick system check: https://link.gotomeeting.com/system-check
The Applied Behavior Analysis Advisory Committee met on September 15, 2017. In accordance with the Open Public Meetings Act, the meeting agenda was sent to members of the Applied Behavior Analysis Advisory Committee, GovDelivery, and posted to the program’s website.
1. Call to Order – Launi Whedon, Chair  

1.1 Introductions – Introductions were made.

1.2 Approval of the agenda
Unanimous approval of the agenda. An additional item was added between 5 and 6 to discuss the previous agenda’s discussion on Psychologists ability to supervise ABA staff.

1.3 Approval of June 2, 2017 Meeting Minutes
The June 2, 2017 meeting minutes were unanimously approved. A motion was made to strike a line from the minutes. The minutes were approved as amended.

2. Committee Elections
Advisory committee will select Chair and Vice-Chair positions.
Nominations are being accepted for the positions of Chair and Vice Chair.
Nancy Rosenberg was nominated to be the Chair. Approved; vote 5-0
Mimi Dasgupta was nominated to be the Vice Chair. Approved; vote 5-0

3. AS3D Presentation
Department of Health’s Healthy Starts and Transitions Unit will share information about Autism Spectrum Disorders and other Developmental Disabilities grant.
Jean Marie Diamond and Meredith Pyle shared information about an Autism Grant (AS3D) they are working with dedicated to children with special needs. They have three goals:

• Improve access to intervention for children, youth and families with ASD/DD
• Partnering with Health Care Professions and decision makers
• Strengthen leadership systems and integration of care.

They are looking for partnerships and collaboration within DOH and with the new Applied Behavior Analysis (ABA) professionals, including the Advisory Committee.

• Question was raised from the committee to the AS3D presenter to define what is medically underserved communities means?
  Meredith Pyle, from the AS3D, the way that we are defining medically underserved communities for the purposes of our clients in Washington State is the communities that are either culturally and divers who have barrier in accessing medical service such as low-income family, families who children eligible for medicate, and families who live in community that has more role area.

• Question was raised by Chris John, from Washington State Behavior Analysis, where did you get your baseline data to be able to determine whether or not you are meeting these goals?
  Meredith Pyle, we don’t have our baseline data yet, but we are in process to work with combination of data from HCA medicate data, the early support for providence program data, and newer developmental centers data across the state.

4. Credentialing Report
Mr. Lorentson provided updates on number of licensed individuals listed by county, per a request.
Total numbers are as follows:
Certified Behavior Technician (CBT) 1169
Licensed Assistants Behavior Analyst 38
Licensed Behavior Analyst (LBA) 437
Grand total for licensed ABA professionals 1644

Concerns were raised regarding the time it takes to get a credential. It was initially about 14 days for a complete application but now could take 4-6 weeks.
Staff stated that we initially had a bigger number of staff dedicated to processing the ABA licenses when they first came out to get the established people licensed and continuing to provide services during the transition. It can’t continue as a priority forever and so it may take longer now. There are no “fast track” options available for any of the DOH professions to speed up licensure.

5. Rules Workshop – Brett Lorentson
5.1 Continuing Education
Advisory Committee reviewed and discussed continuing education draft rule language. WAC 246-805-400 required within the 2 year renewal cycle. It can audit up to 25%, but typically do between 2% - 5%. Recommend changing the date in the first paragraph to July 1, 2018.

Bill Kellington, DOH Staff Attorney, had some recommendations to clean up the language and align it with other professions. Specifically:
- Section 400 in the Sub-section 3 (c) on Ethics to include specific language on “training in maintaining proper professions boundaries”.
- Sub-section 4(c) Complaint/Enforcement provisions. The question is how do we enforce that provision “the areas to be covered depend on the licensee’s primary area(s) of function”.
- Sub-section 4(c) “…related to the licensees area of practice” is a concern because we don’t know or ask for specific areas of practice. So how do we determine their area of practice? Could require an investigator to research just to determine if CE is applicable, which isn’t cost effective and is time consuming. Suggest changing the language to make it broader. Change “must” to “may” and strike the line related to “licensees primary area of function.”
- Sub-section 6(d) (II) should be changed to action language to match the other sections. Specifically note that they review a journal article for a peer-review journal “prior to publication”.

There we also concerns about the 20 hours of ABA specific CE, 8 hours in professional development, and 4 hours of ethics. Professional development should be clarified so people don’t take a photography course or something that is unrelated to the profession.

It was noted that Sections 1 and 2 should be switched. Section 2 is independent, but section 1 is further explained in sections 3 and 4 so they should be grouped together for clarity.

Use the wording of “in clinical practice” to section 3(a). “directly related to skill development and current practices in clinical practice of ABA”.
Section 410 for CBT. A CBT must have a competency assessment within 3 months prior to renewal. CBT would keep the record but attest that they completed it. WABA feels like a written assessment from the LBA should be provided for each renewal. Staff noted that
requiring the written assessment would make them ineligible to renew online and they would have to send in paper copies, adding to the time it takes to renew.

Also for section 410 move the section on national standards to the top and the rest below. This should be done throughout the rule.

5.2 Temporary Licensing
Advisory Committee discussed rule language related to temporary licensing. It came about from organizations/companies who work in multiple states to move staff temporarily to fill gaps. Fee should be a % of license fee. 90 or 180 days? Temporary licenses for other professions are like a grace period to get full licensure. Concerns about other states licenses being inferior to ours.

Supervision follow up from last meeting Minutes
The issue is with Psychologists providing supervision as they previously have. Our current rules state that they must be supervised by an ABA provider.

The Dept. is looking at the scope of practice for psychology to provide these services. The committee feels it should depend on their education and training.

6. Licensing/Application Q &A
This was mostly discussed within the other agenda items. Would like to see a credentialing “fast track” to get licensed faster. Question was raised, do other professions have a fast-track?

7. Public Comment
The public has been commenting freely throughout the meeting.

8. Future Business – Launi Whedon
• The date of the next meeting conflicts with a conference & meeting for ABA. The Chair has a conflict as they will be speaking in the afternoon.
• Temporary License
• Review revised CE language rule

9. Adjournment – Nancy Rosenberg, Chair

2:00 p.m.

Submitted by:      Approved by:
Brett Lorentson, Program Manager  Nancy Rosenberg, PhD, LBA, BCBA-D - Chair
Applied Behavior Analysis Advisory Committee  Applied Behavior Analysis Advisory Committee
Agenda Item #2

ABA Advisory Committee 2018 Schedule-Proposed
ABA Advisory Committee 2018 Schedule-Proposed

All meetings will begin at 10am
Duration will be determined closer to meeting date.

Dates and Locations:

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Agenda Item #3

Credentialing Report
Applied Behavior Analysis Advisory Committee

November 3, 2017
Overall Application Processing Time

Updates:
Contact Information

DOH website:  [www.doh.wa.gov](http://www.doh.wa.gov)
Licensing/Certification link for requirements and forms and the Provider Credential Search link for credential status

Office Director:
Robert McLellan  [robert.mclellan@doh.wa.gov](mailto:robert.mclellan@doh.wa.gov)  360-236-4604

Credentialing Section Manager:
Diane Young  [diane.young@doh.wa.gov](mailto:diane.young@doh.wa.gov)  360-236-4666

Deputy Section Manager:
Jennifer Herbrand  [jennifer.herbrand@doh.wa.gov](mailto:jennifer.herbrand@doh.wa.gov)  360-236-4828
ABA Credential Numbers: Active & Pending

As of October 24, 2017:

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Agenda Item #4.1

ABA CE WAC Draft
New Section

WAC 246-805-400 Continuing educations requirements for an LBA and LABA

An LBA or LABA must attest to completing the continuing education (CE) requirements in this section as a condition of renewing the license every two years. CE must be completed during the first full CE reporting period after July 1, 2018.

(1) Maintaining certification from the BACB or another national certification board approved by the secretary that requires CE as part of certification meets CE requirements as described in this section.

(2) An LBA shall complete a minimum of thirty-two hours of CE related to the practice of applied behavior analysis.

(a) A minimum of twenty hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than eight hours may be in professional development activities that enhance the licensee’s business practice as an LBA.

(4) An LABA shall complete twenty hours of CE related to the practice of applied behavior analysis.

(a) A minimum of ten hours of activities must directly address:

(i) Behavior analytic skill development; and

(ii) Current practices in clinical practice of applied behavior analysis.

(b) At least four hours must pertain to professional ethics and boundaries of a behavior analyst.

(c) No more than six hours may be in professional development activities that enhance the licensee’s business practice as an LABA.
(5) Fifty minutes of CE contact time or direct instruction is equivalent to one CE hour.

(6) The CE hours must be obtained through one or more of the following:

(a) Courses from a college or university accredited by the United States Department of Education may meet all of the required CE hours.

(i) One academic semester credit is equivalent to fifteen CE hours.

(ii) One academic quarter credit is equivalent to ten CE hours.

(b) Courses from a CE provider.

(i) Courses from providers approved by the BACB or a national certification board affiliated with behavior analysis approved by the secretary may meet all of the required CE hours.

(ii) Courses from providers not approved by a national certification board affiliated with behavior analysis may meet no more than eight CE hours.

(c) Instruction of a CE course.

(i) College or university instruction may meet no more than sixteen CE hours.

(ii) Any other type of instruction may meet no more than eight CE hours.

(iii) Repeated instruction in the same course may only qualify for CE credit one time in a single CE reporting period.

(iv) Instruction must be related to applied behavior analysis.

(d) The following activities are eligible for up to eight CE hours and only count during the CE time period when the article was published or reviewed:

(i) Publication of an applied behavior analysis article in a peer-reviewed journal is equivalent to eight CE hours;

(ii) Completion of reviewing an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour; or
Draft Rule language

**Applied Behavior Analysis- Continuing education/ competency**

(iii) Serving as an action editor of an applied behavior analysis article for a peer-reviewed journal is equivalent to one CE hour.

(7) An LBA and LABA shall comply with the requirements of chapter 246-12 WAC, Part 7; and shall keep and provide CE documentation upon request. Acceptable documentation depends on the CE activity and includes:

(a) Course syllabus and transcript from college or university;

(b) Certificate or letter from a CE provider that includes the course topic and CE hours completed;

(c) Title, description, and dates of course of instruction on a letter from the academic institution or education provider;

(d) Copy of the final publication of article listing the credential holder as the author;

(e) Letter of attestation from the action editor reporting the credential holder’s name as a reviewer of an applied behavior analysis article; or

(f) Editorial decision letter reporting the credential holder’s name as an action editor of an applied behavior analysis article.

**New Section**

WAC 246-805-410 Continuing competency requirements for a CBT.

A CBT must attest to completing the continuing competency requirements in this section as a condition of renewing the certification. The requirements in this section are effective for a certification renewed on or after July 1, 2018.

(1) A CBT must complete continuing education or demonstrate continuing competency by either:

(a) Maintaining certification from the BACB or another national certification board approved by the secretary meets requirements as described in this section; or
Draft Rule language

Applied Behavior Analysis - Continuing education/ competency

(b) Within three months prior to renewal obtaining an assessment by an LBA or LABA on performance or demonstration of the following applied behavior analysis tasks:

(i) Measurement;

(ii) Assessment;

(iii) Skill acquisition;

(iv) Behavior reduction;

(v) Documentation and reporting; and

(vi) Professional conduct and scope of practice.

(2) A CBT shall keep and provide documentation upon request.

(4) A CBT shall comply with the requirements of chapter 246-12 WAC, Part 7.
Agenda Item #5

Interpretive Statement
**Department of Health**  
**Office of Health Professions**  
**Interpretive Statement**

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<th><strong>Title:</strong></th>
<th>Supervision of Applied Behavior Analysis Licensees by Psychologists</th>
<th><strong>Number:</strong> HP-9-27-17</th>
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<td>Chapter 18.380 RCW, Chapter 18.83 RCW, Chapter 246-805 WAC, Chapter 246-924 WAC</td>
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<tr>
<td><strong>Contact:</strong></td>
<td>Brett Lorentson, Program Manager</td>
<td></td>
</tr>
<tr>
<td><strong>Phone:</strong></td>
<td>360-236-4611</td>
<td></td>
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<tr>
<td><strong>Email:</strong></td>
<td><a href="mailto:Brett.Lorentson@doh.wa.gov">Brett.Lorentson@doh.wa.gov</a></td>
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<td><strong>Effective Date:</strong></td>
<td>On or before November 2, 2017</td>
<td></td>
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<td><strong>Supersedes:</strong></td>
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| **Approved By:** | Kristin Peterson, Assistant Secretary  
Health Systems Quality Assurance | |

The Department of Health (department) interprets RCW 18.380.030(1) to encompass Washington state licensed psychologists’ practice of Applied Behavioral Analysis (ABA) including the supervision of licensed assistant behavior analysts (LABA) and certified behavior technicians (CBT). When supervising these credential types, the psychologist needs to be cognizant of and adhere to the licensing and supervision requirements as defined in chapter 246-805 WAC--Applied Behavior Analysis. This conclusion is in response to the department being asked by key constituents if Washington state licensed psychologists can supervise licensed assistant behavior analysts and certified behavior technicians.

**Background and Analysis**

**Background**

Substitute Senate Bill (SSB) 5488, enacted in 2015 and codified as chapter 18.380 RCW, established the Applied Behavior Analysis Program. As of July 1, 2017, a license is required to provide ABA client services.

Chapter 18.380 RCW states LABAs and CBTs are required to be supervised as a condition of licensure. Proof of ongoing supervision by a licensed behavior analyst (LBA) is required to obtain an initial license or certification (RCW 18.380.050(2)). Once credentialed, supervision of an LABA must be by an LBA (RCW 18.380.010(4)), while supervision of a CBT must be by either an LABA or LBA (RCW 18.380.010(1)).
However, RCW 18.380.030\(^1\) acknowledges that other health care licensees may provide ABA services when ABA is within the profession’s scope of practice. The practice of applied behavior analysis is within a licensed psychologist’s scope of practice.\(^2\) In order to provide ABA services, psychologists must deliver these services according to the ABA standards of care and demonstrate competency in ABA gained through education, training, and/or experience.

**Analysis**

The ABA service delivery model requires a lead provider with a high level of competency in ABA. Under this model, the lead provider supervises multiple staff members who provide direct services to clients, and a CBT will often carry out the treatment plan the lead provider develops. Thus, supervision of ABA credential holders is an integral part of delivering ABA services.

Psychologists who are competent in ABA have the knowledge, skills, and abilities to lead a team of other ABA providers, and provide comprehensive ABA services. Supervision of staff members is within a psychologist’s scope of practice. Psychologists also have rules in place to guide supervising staff members.\(^3\) The oversight and supervision a psychologist provides is consistent with the intent of ABA rules for supervising and being accountable for the services LABAs\(^4\) and CBTs\(^5\) provide. Since supervision is an integral part of the practice of ABA and psychology, the exemption in RCW 18.380.030(1) encompasses licensed psychologists’ supervision of subordinate ABA providers.

**Conclusion**

The department interprets RCW 18.380.030(1) to encompass Washington state licensed psychologists’ practice of ABA including the supervision of LABAs and CBTs. When supervising these credential types, the psychologist needs to be cognizant of and adhere to the licensing and supervision requirements as defined in chapter 246-805 WAC--Applied Behavior Analysis.

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\(^1\) RCW 18.380.030(1) states that “Nothing in this chapter may be construed to prohibit or restrict: (1) An individual who holds a credential issued by this state, other than as a licensed behavior analyst, a licensed assistant behavior analyst, or a certified behavior technician, to engage in the practice of that occupation or profession without obtaining an additional credential from the state, so long as the practice is within that profession's or occupation's scope of practice.”

\(^2\) RCW 18.83.010(1)

\(^3\) WAC 246-924-030 Guidelines for the employment and/or supervision of auxiliary staff.

\(^4\) WAC 246-805-240 Licensed assistant behavior analyst – Continuing supervision.

\(^5\) WAC 246-805-330 Certified behavior technician – Continuing supervision.