

These minutes have not been reviewed or approved by the Board.

BOARD OF BEHAVIOR ANALYST
CONFERENCE CALL MEETING MINUTES
August 29, 2024

ROLL CALL

The meeting of the Board of Behavior Analyst was called to order at 12:00 p.m. by Victoria Beck, Chairperson, Nebraska State Office Building 301 Centennial Mall S, Lincoln, Nebraska, Goldenrod Conference room in the lower level. The meeting was conducted In-Person and by WebEx. The following members answered roll call.

Victoria Bock – Chairperson via WebEx
Kyle Dawson via WebEx
Lori Nickels via WebEx
Mandi Reinders via WebEx
Steven Taylor via WebEx

Reinders moved, seconded by Bock, to start the meeting at 12:00 p.m. Voting aye: Bock, Dawson, Nickels, Reinders, Taylor. Voting nay: none. Absent: none. Motion carried.

A quorum was present, and the meeting convened. Also present were Lindsay Braddock, DHHS Licensure Unit Administrator, Sean Loving, Program Manager - via WebEx; Heather Ord, Health Licensing Coordinator; Mindy Lester, Assistant Attorney General via WebEx and Suzanna Glover-Ettrich, Department Attorney via WebEx.

Bock announced that there is a current copy of the Open Meetings Act posted on the door to the meeting room and available online (website address provided below).

Nebraska Open Meetings Act: 84-1407 through 84-1414 <https://ago.nebraska.gov/open-meetings> All items known at the time of distribution of this agenda are listed. A current agenda is available at the office of the Department of Health and Human Services, Division of Public Health, Licensure Unit, and at the following website: <https://dhhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx> . Documents to be reviewed can be located at the following website: <https://dhhs.ne.gov/licensure/Pages/Board-Meeting-Documents.aspx> . If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call (402) 471-2117 (voice) or dhhs.licensure2117@nebraska.gov for persons with hearing impairments, call the Nebraska Relay System at 711 (TDD). Advance notice of 7 days is needed when requesting an interpreter.

APPROVAL OF AGENDA

Dawson moved, seconded by Reinders, to approve the agenda as presented. Voting aye: Bock, Dawson, Nickels, Reinders, Taylor. Voting nay: none. Absent: none. Motion carried.

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REGULATION REVIEW AND DISCUSSION

This meeting is to discuss the emergency regulations for Behavior Analyst licensure to go into effect immediately September 2, 2024. Neb. Rev. Stat. 38-4410 states “Licensed behavior analyst; licensed assistant behavior analyst; license required; when; application; minimum standards. (1) Beginning one year after September 2, 2023, each applicant for licensure as a licensed behavior analyst or licensed assistant behavior analyst shall submit an application that includes evidence that the applicant meets the requirements of the Uniform Credentialing Act for a license as a licensed behavior analyst or licensed assistant behavior analyst, as applicable. (2) The board shall adopt rules and regulations to specify minimum standards required for a license as a licensed behavior analyst or a licensed assistant behavior analyst as provided in section 38-126. The board shall include certification by the certifying entity as a Board Certified Behavior Analyst® or a Board Certified Behavior Analyst-Doctoral® as part of the minimum standards for licensure as a licensed behavior analyst. The board shall include certification by the certifying entity as a Board Certified Assistant Behavior Analyst® as part of the minimum standards for licensure as a licensed assistant behavior analyst”.

Regulations needed to be in place before licenses could be issued. The application and information are live on our website to start the process for licensure: <https://dhhs.ne.gov/licensure/Pages/Behavior-Analyst.aspx>.

Braddock will be reaching out to the Association of Professional Behavior Analysts that professionals need to be licensed by September 2, 2024, in order to practice legally in the State of Nebraska. She will also be posting alerts on the website about the change.

The board discussed concerns pertaining to untreated patients, loss of income due to not being issued by the deadline of September 2, 2024.

Taylor questioned the requirements for Board members to be licensed while actively serving on the Board of Behavior Analyst. Glover-Etrich, the Department Attorney, responded that the Board members have six months to submit an application and be issued a license to serve on the Board. During the process they are able to serve their Board member duties.

Bock questions if there will be consequences for those who practice without a license. Lester from the Assistant Attorney General's office responded that if the professional was reported for not having an active license there would be an investigation and the Board could make a recommendation. There are many options, and it is based on circumstances.

Dawson questions whether or not the Governor has considered doing an Executive Order (EO) where Behavior Analyst professionals would be able to practice without a license without repercussions. Lester from the Assistant Attorney General's office responded that the circumstances would need to be a State of emergency, which this is not.

APPROVAL OF REGULATIONS

Reinders moved, seconded by Dawson, to approve regulations to move forward. Voting aye: Bock, Dawson, Nickels, Reinders. Voting nay: none. Abstain: Taylor Absent: none. Motion carried.

PUBLIC COMMENT

No public comments at this time.

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BOARD MEETING SCHEDULE

The next meeting is scheduled for September 9, 2024, via WebEx at 9 a.m.

ADJOURNMENT

There being no further business, Bock, Chairperson adjourned the meeting at 1:41 p.m.

Respectfully submitted,

Heather Ord
Health Licensing Coordinator