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BOARD OF APPLIED BEHAVIOR ANALYST EXAMINERS PUBLIC SESSION MEETING MINUTES 9:30 A.M. JUNE 14, 2023

The June 14, 2023 meeting of the New Jersey State Board of Applied Behavior Analyst Examiners was not held at 124 Halsey Street, Newark, New Jersey, but was conducted electronically only as authorized by P.L. 2020, c. 11 (N.J.S.A. 10:4-9.3). Pursuant to the Open Public Meetings Act, notice was provided electronically within 72 hours of the scheduled meeting, and was provided by mail to the Office of the Secretary of the State of New Jersey, The Newark Star Ledger, The Trenton Times, The Bergen Record and the Courier Post and also posted on the Board's web page. The meeting began at 9:32 A.M., and was accessible to the public by a link provided on the Board's public agenda.

I. CALL TO ORDER - 9:30 A.M.

The public session was called to order at 9:33 A.M.

II. ROLL CALL

Present:

Suzanne Buchanan, Psy.D., BCBA-D, Chair
David Wilson, Ph.D., BCBA-D, Vice-Chair
Darren Blough, MSW, BCaBA
Sandra Howell, Ph.D.
James A. Paone, II, Esq.
Lisa Toole, M.A., BCBA
Rosemary Browne, MSW

Also Attending:

Olga Bradford, Deputy Attorney General
Tobey Palan, Deputy Attorney General
Charles Manning, Regulatory Analyst (*arrived at 9:45 A.M.*)
Howard Pine, Deputy Director
Courtney Turner, Executive Director
Benn Schulberg, Executive Director

III. NEW BUSINESS

1. Welcoming Benn Schulberg

The Board graciously welcomed Benn Schulberg, who will be the Board's new Executive Director following the June 14, 2023 meeting.

DAG Bradford also informed the Board that, in light of the new DOL reassignments, she will not be representing the Board any longer. She will be working with the Board until the new assignments become official.

IV. REVIEW OF MINUTES

1. May 10, 2023 Public Minutes

On a motion by Dr. Wilson, seconded by Mr. Paone, the Board approved the public minutes as presented. The motion passed unanimously.

V. EXECUTIVE DIRECTOR'S REPORT

1. Status of Board Operations

Executive Director echoed DAG Bradford's update regarding new DAG representation for the Board, which should be finalized by the Division of Law in the upcoming months.

A conference room has been reserved for the Board to meet in person to review the public comments submitted to the Board. The start time of the August 9, 2023 public session will be changed to 10 A.M. Notices will be sent to the Secretary of State and members of the press in accordance with the Open Public Meetings Act.

VI. CORRESPONDENCE

1. BACB - Summary of Ethics Violations and Code-Enforcement Activities (2019-2021)

Dr. Wilson provided a summary of the report from the BACB, which covered ethics-code violations and ethics-code-enforcement activities for the 2019-2021 period.

The purpose of this report was to summarize common violations under the Professional and Ethical Compliance Code for Behavior Analysts (PECC) and RBT Ethics Code, and code-enforcement actions taken by the BACB.

The Board thanked Dr. Wilson for his summary and accepted this report as informational.

2. BACB - Parental RBT Model

The Board reviewed a report from the BACB that addressed the treatment model where a child's parent serves as the child's Registered Behavior Technician (RBT).

The Board accepted this as informational.

3. Medicaid Fraud Division Request for Information - ABA Licensure Fingerprint-Based Background Check Requirements

The Board reviewed an email submitted by Amanda Shiber, the agency liaison for the Office of the State Comptroller, Medicaid Fraud Division. Ms. Shiber inquired into the Board's regulatory requirements regarding fingerprint-based background checks (FBCs) for behavior analysts in New Jersey.

Executive Director informed Ms. Shiber that the Board's regulations have not been formally adopted, so the Board could not definitely advise at this time. Executive Director added that the Board, in general, is in favor of fingerprint background checks for behavior analysts.

The Board accepted this as informational.

VII. REGULATORY AFFAIRS

Regulatory Analyst reported approximately four comments have been received from the public regarding its proposed rules. The comments received were primarily about the current statute, but the Board should anticipate more comments before the closing of the public comment phase on July 14, 2023.

VIII. PUBLIC COMMENT

None.

IX. ADJOURNMENT

On a motion by Mr. Blough, seconded by Ms. Browne, the Board closed the public portion of the meeting and moved to executive session for investigations and advice of counsel. When and if action is taken, it will be announced during public session. The Board does not anticipate any action to be taken following executive session. The Board moved to executive session at 10 A.M.

On a motion by Ms. Toole, seconded by Mr. Blough, the Board returned to public session to adjourn the meeting at 10:05 A.M.

The next meeting is scheduled for July 12, 2023.