



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Applied Behavior Analyst Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



MATTHEW J. PLATKIN
Attorney General

CARI FAIS
Acting Director

BOARD OF APPLIED BEHAVIOR ANALYST EXAMINERS PUBLIC SESSION MEETING MINUTES 10:00 A.M. AUGUST 15, 2023

Mailing Address:
P.O. Box 47058
Newark, NJ 07101
(973) 504-6495

The August 15, 2023 meeting of the New Jersey State Board of Applied Behavior Analyst Examiners will be held at 124 Halsey Street, Newark, New Jersey. Pursuant to the Open Public Meetings Act, notice was provided electronically within 72 hours of the scheduled meeting, and has been 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 will begin at 10:00 A.M., and will be accessible to the public.

I. CALL TO ORDER - 10:00 A.M.

The public session was called to order at 10:25 A.M.

II. ROLL CALL

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

Also Attending:

Tobey Palan, Deputy Attorney General
Daniel Roman, Deputy Attorney General
Charles Manning, Regulatory Analyst
Benn Schulberg, Executive Director

III. NEW BUSINESS

None.

IV. REVIEW OF MINUTES

1. June 14, 2023 Public Minutes

On a motion by Mr. Blough, seconded by Dr. Howell, the Board approved the public minutes as presented. Voting in favor: All.

V. EXECUTIVE DIRECTOR'S REPORT

Mr. Schulberg thanked Courtney Turner for her service as Executive Director and making the transition a seamless process. He noted that the Board website's FAQ's page has been helpful for perspective applicants and the majority of questions have been related to educational requirements and timeframe for receiving applications.

VI. CORRESPONDENCE

1. BACB – DEI

Dr. Buchanan provided a summary of the information from the BACB on the scope of diversity, equity, and inclusion (DEI) requirements in professional regulation. The Board currently does not have additional DEI requirements in addition to the BACB requirements.

2. BACB – Limitation to the scope of practice

The Board reviewed the report from the BACB concerning statutes limiting the scope of licensed behavior analysts in certain states.

The Board accepted this report as informational.

3. Medicaid Fraud Division follow-up – 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 noted her division's recommendation that the Board requires 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.

The Board accepted this as informational.

VII. REGULATORY AFFAIRS

1. Adoption of new rules – Review of public comments

Regulatory Analyst reported 41 comments were received from the public regarding its proposed rules following the end of the public comment phase on July 14, 2023.

The Board agreed with the following amendments from the comments provided:

1. There is no subsection (c) in N.J.A.C. 13:42B-1.1 due to a typographical error.
2. Any reference to “patient” shall be changed to “client.”

On a motion by Mr. Blough, seconded by Dr. Howell, the Board approved the motion to adopt the regulations with amendments. Voting in favor: All.

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 1:05 P.M.

On a motion by Dr. Buchanan, seconded by Mr. Blough, the Board returned to public session to adjourn the meeting at 1:10 P.M.

The next meeting is scheduled for September 26, 2023.