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BOARD OF APPLIED BEHAVIOR ANALYST EXAMINERS PUBLIC SESSION MEETING MINUTES 9:30 A.M. July 23, 2024

The July 23, 2024 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 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 began at 9:30 A.M., and was accessible to the public by a link provided on the Board's public agenda.

Topic: Board of Applied Behavior Analyst Examiners - Public Session

Time: Jul 23, 2024 09:30 AM Eastern Time (US and Canada)

Join ZoomGov Meeting

<https://njoag.zoomgov.com/j/1607287471?pwd=34cDAiMDlqsLIKa9cl3QrdQBL6BJP5.1>

Meeting ID: 160 728 7471

Passcode: 026059

I. ROLL CALL

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

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

II. REVIEW OF MINUTES

1. June 18, 2024 Public Minutes

On a motion by Mr. Paone, seconded by Ms. Browne, the Board approved the public minutes. Voting in favor: All.

III. OLD BUSINESS

1. Board communication with the Department of Education

The Board noted that the DOE intends to issue guidance on the intersection of regulations and hopes to hear from them within the next month.

IV. NEW BUSINESS

1. Adding FAQ's to the Board website

The Board discussed adding FAQ's to the website to address questions that have been raised during webinars. The Board agreed that creating a subcommittee for this would be beneficial.

V. EXECUTIVE DIRECTOR'S REPORT

Executive Director Schulberg thanked the Board for their work in helping to finalize the applications and associated forms. Mr. Schulberg noted that Board administrative staff have been trained on application processes.

VI. CORRESPONDENCE

1. Catriona Francis, Ed.M., BCBA - Douglas Developmental Disabilities Center (DDDC)

Ms. Francis stated that the DDDC is a non-private school and wanted confirmation that the school is exempt from licensure. The Board noted that the DDDC did not meet the statutory exemption based on their claim and there wasn't enough information provided for clear guidance. The Board also noted that any individual who chooses to seek licensure while working in an exempt setting falls under all the requirements of licensure.

On a motion by Dr. Buchanan, seconded by Mr. Paone, the Board voted to reiterate the exemption statutes and regulations to the DDDC and to inform them that they should consider retaining their own counsel if they require legal advice. Voting in favor: Majority with Ms. Toole recused.

VII. REGULATORY AFFAIRS

None.

VIII. PUBLIC COMMENT

1. Esther Rubin – Requested clarification on the time period for providers to seek licensure. The Board noted that there is no specific grace period and recognizes that there will be a lag period to complete the application process, which will be taken into consideration. The Board encourages providers to apply promptly.
2. Dawn McKinney – Inquired on when the licensure applications will be available so her organization can notify BCBA's. The Board noted that even if BCBA's don't receive notification it's the applicants' responsibility to check the Board website for updates. Ms. McKinney also asked about the fingerprinting process and was informed that all applicants will be provided instructions to complete that process.
3. Vicky M. – Requested clarification on business practice regulations in which the Board stated that all the subchapters are applicable to all the licensees while they are practicing. All the regulations apply to all the licensees at all times.

IX. BOARD MEETING DATES

1. 2024 Meeting Dates
August 20, 2024 November 19, 2024
September 17, 2024 December 17, 2024
October 29, 2024

X. ADJOURNMENT

On a motion by Ms. Browne, seconded by Dr. Howell, 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 10:10 A.M.

The next meeting is scheduled for August 20, 2024.