New York State Education Department
Office of the Professions
State Board for Applied Behavior Analysis
Meeting online pursuant to Executive Order 4.5

Draft Minutes

June 1, 2022

Present: Chair Erin DiCesare, Vice-Chair George Slingerland, Daniel Fienup, Elizabeth Gonzalez-Dolginko, Dorothy Novogrodsky, Jason Watson.

Absent: Kristin Knapp-Ines.

Staff: David Hamilton, Assistant Commissioner, Professional Licensing & Practice and Acting Executive Secretary; Diane M. Martin, Professional Associate; Kathleen Letzelter, Education Credential Specialist.

Welcome
Assistant Commissioner David Hamilton called the meeting to order at 2:05 p.m. by welcoming Board members and guests. Acting Executive Secretary Hamilton announced that pursuant to the Governor’s Executive Order, the meeting was held online to allow public observation, but comments and discussion are restricted to State Board members and Department staff.

Review of February 9, 2022 minutes.
The minutes of the February 9, 2022 meeting were approved unanimously as submitted (Gonzalez-Dolginko/Fineup)

Executive Secretary Report
The Board received an updated organization chart for the Office of the Professions and an update on the search for an Executive Secretary to the State Boards for Psychology, Applied Behavior Analysis, Massage Therapy and Respiratory Therapy. The 2021 Office of the Professions Annual Report provided information about the license, practice and discipline of 55 professions.

Legislation
Secretary Hamilton reminded Board members that, as public officers, they are not allowed to lobby for or against legislation. The Board of Regents develops the Department’s legislative agenda and establishes the Department’s position on legislation that passes the Senate and Assembly.

The enacted 2022-2023 State Budget rejected the proposal to move the licensing and regulation of health professions to the Department of Health. The budget provides
additional funding to the Department to support additional staff to improve processing times and customer service.

Examination for Licensure
Secretary Hamilton summarized the challenges facing applicants for licensure due to changes by the Behavior Analysis Certification Board (BACB). Department staff has worked with BACB, the NYS Applied Behavior Analysis (NYSABA) association, and stakeholders to identify possible solutions. These could include:

- Amendment of education law to provide licensure based on national certification, application, fee and good moral character; or
- Amending regulations to match BACB requirements, including supervision and education requirements.

When the legislative session is over, Secretary Hamilton will follow up with the Board for next steps. The Office of the Professions and Department are committed to working on a permanent solution to maintain access to licensure for candidates who meet the education, experience and examination requirements set forth in Article 167 of the Education Law.

Chapter 818 of 2022
The education and experience regulations will need minor modifications to comply with the expansion of the scope allowing licensees to provide ABA services to individuals with a behavioral diagnosis other than autism. The extent of changes to existing regulations would be affected by the outcome of proposed legislation to allow licensure based on BACB certification and creating an exemption for practice under a qualified supervisor without application to NYSED. Members will be notified as the process moves forward.

Other business
Chair Erin DiCesare will complete her second one-year term as Chair on June 30, 2022. The Board voted unanimously to elect for one-year terms, starting July 1, 2022:

- George Slingerland as Chair (Gonzalez-Dolginko/DiCesare)
- Jason Watson as Vice Chair (Novogrodsky/Slingerland).

Adjournment
There was no other business before the Board. The meeting adjourned at 3:06 p.m.