

**VIRGINIA BOARD OF MEDICINE
ABA Work Group**

Monday, March 12, 2012

Department of Health Professions

Richmond, VA

CALL TO ORDER: Dr. Harp called the meeting to order at 10:06 a.m.

ROLL CALL

MEMBERS PRESENT: Lauren-Lee Askew, BCaBA
Christine Evanko
Kristin Helgerson, M.S., BCBA
Theodore Hoch, Ed.D., BCBA-D
Eli Newcomb, M.Ed., BCBA
Anthony Pelonero, M.D., CPE
Virginia Van de Water, Ed.D.

MEMBERS ABSENT: None

STAFF PRESENT: William L. Harp, MD, Executive Director
Jennifer Deschenes, JD, Deputy Executive Director, Discipline
Colanthia Morton Opher, Operations Manager
Dianne Reynolds-Cane, MD, DHP Director
Elaine Yeatts, DHP Policy Analyst

OTHERS PRESENT: J. D. Ball, Ph.D., Virginia Academy of Clinical Psychologists
Catherine Chappell, Acting Executive Director, Board of Psychology
Laura Lee Viergever, Virginia Association of Health Plans
Cindy Rogers, Optima Health
Becky Bowers-Lanier, Commonwealth Autism Services
Jessica Philips, Commonwealth Autism Services
Emily Spencer
Tonya Kinlon, CareFirst
Robert S. Falk, Ph.D., Chair, Virginia Board of Psychology
Josh Meyers, Eckert, Seamans, Cherin & Mellott, LLC

MEETING SUMMARY

Dr. Harp provided the emergency egress instructions, and then welcomed the members of the Work Group and the public.

ROLL CALL

The roll was called and a quorum declared.

The members of the Work Group introduced themselves by way of brief background statements.

Anthony Pelonero, MD currently serves as Medical Director for the Behavioral Healthcare Program at Anthem Blue Cross Blue Shield of Virginia. Prior to becoming Medical Director, Dr. Pelonero was a full-time faculty member at MCV for 12 years in the public collaboration project with the Virginia Department of Behavioral Health and Developmental Services. Dr. Pelonero is a board-certified psychiatrist and Certified Physician Executive.

Eli Newcomb, M.Ed., BCBA is the Assistant Director of the Faison School for Autism and works primarily with individuals with autism spectrum disorders.

Virginia Van de Water, Ed.D., prior member of the Board of Medicine and current member of the Board of Psychology, presently works at Children's Hospital of the King's Daughters in Norfolk.

Ted Hoch, Ed.D., BCBA is licensed as a psychologist in Maryland and Virginia. In addition, he holds a Virginia license as a Licensed Professional Counselor and is a Board Certified Behavior Analyst. Dr. Hoch currently teaches at George Mason University and works with children with autism spectrum disorders.

Kristin Helgerson, M.S., BCBA has a Master of Science in Applied Behavior Analysis and is in private practice working with families that have children with autism and other developmental and behavioral difficulties.

Christine Evanko has an MBA and a Bachelor of Arts in Technical Theatre. Ms. Evanko informed the Work Group that she is a consumer of applied behavior services and is aware of their benefit. She has returned to school with interest in becoming a Behavior Analyst in the future.

Lauren-Lee M. Askew, BCaBA holds a Bachelor in Psychology and currently serves as the Autism Program Supervisor with Centra Health.

Also in attendance was Dianne Reynolds-Cane, M.D. Agency Director of the Department of Health Professions. Dr. Reynolds-Cane noted that prior to this position she was the medical director for The Daily Planet serving the homeless. She was also in private practice for 22 years and served as the President of the Board of Medicine in 2003-2004.

Ms. Evanko moved to approve the agenda as presented. The motion was seconded by Dr. Pelonero and carried unanimously.

Mr. Newcomb moved to nominate Dr. Hoch as the Work Group Chair. The motion was seconded by Dr. Pelonero and carried unanimously.

Dr. Pelonero asked about the balance of professions on the Work Group. Dr. Harp and Ms. Yeatts explained that board staff are not voting members, and that the law is specific about the composition of the Work Group.

Dr. Pelonero volunteered to serve as Vice-Chair of the Work Group. Dr. Van de Water seconded the motion.

The slate of Dr. Hock as Chair and Dr. Pelonero as Vice-Chair was accepted unanimously by the Work Group.

Dr. Hoch then opened the floor for public comment.

J. D. Ball, Licensed Clinical Psychologist and representative for the Virginia Academy of Clinical Psychologists (VACP) spoke in support of licensure for applied behavior analysts and applied behavior analyst assistants. Dr. Ball asked the Work Group to keep in mind that a clause in the new bill specifies that there is no intent to limit the scope of practice for currently licensed health care clinicians. He asked that a policy be enacted that regulates the billing for applied behavior analysis services and ensures transparency regarding the nature of the services provided and the qualifications and licensure status of the persons who deliver such services. Dr. Ball also offered a statement from Bethany Marcus, Ph.D. which voiced concerns about having to obtain additional licensure in order to continue providing behavior services. Dr. Marcus' statement also asked the Work Group to address the current model being used by some ABAs for billing Tri-Care and private pay families.

Catherine Chappell, Acting Director for the Board of Psychology, spoke on behalf of the Board to offer its support in the promulgation of regulations.

Dr. Harp gave a brief PowerPoint presentation to orient all to the Board of Medicine.

Ms. Yeatts asked the Work Group to keep in mind that she is not Board counsel, but she and other staff were there to help guide them through this process.

Ms. Yeatts reviewed HB 1106 and explained the rule-making process and emergency regulations. Ms. Yeatts noted that the law is clear on the role of the Work Group for the promulgation of regulations.

Ms. Yeatts then walked the Work Group through a draft of what the ABA Licensure Regulations might look like, using the current Regulations for the Licensure of Occupational Therapists, which include an assistant level license. There were a number of comments and suggestions from the members of the Work Group. Ms. Yeatts said that she would incorporate the comments and provide the updated version along with §54.1-2915 for their review. Ms. Yeatts cautioned the members that any discussion regarding Board business among two or more of them is considered a public meeting, and asked that all questions and inquiries be directed to the Board.

Ms. Yeatts suggested that if any persons had billing concerns, an interpretation of the 2011 insurance law should be sought from the AG's office.

The Work Group will meeting in late April to complete the development of the regulations, and the draft proposed regulations will be presented to the Full Board June 21, 2012. Board staff will send out an e-mail canvassing the members for their availability in April.

Announcements

No announcements.

Adjournment: With no other business to conduct, the meeting adjourned at approximately 2:15 p.m.

Next scheduled meeting: TBA

Theodore Hoch, Ed.D., BCBA-D
Chair

William L. Harp, M.D.
Executive Director

Colanthia M. Opher
Recording Secretary