

Advisory on Behavior Analysis

Virginia Board of Medicine

May 23, 2022

10:00 a.m.

Advisory Board on Behavior Analysis

Board of Medicine

Monday, May 23, 2022 @ 10:00 a.m.

9960 Mayland Drive, Suite 201

Henrico, VA

Agenda

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Call to Order – Christina Giuliano, BA, Chair	
Emergency Egress Procedures – William Harp, MD	i
Roll Call – Pamela Smith	
Approval of Minutes of January 31, 2022	1 - 3
Adoption of Agenda	
Public Comment on Agenda Items (15 minutes)	
Petition for Rulemaking – Regulations Governing the Practice of Behavior Analysis Christina Giuliano, Chair	4 - 124
New Business	
1. Legislative Update from the 2022 General Assembly Erin Barrett	-----
2. Executive Session: Petition for Rulemaking Christina Giuliano, BA	-----
3. Discuss Recommendation on Petition for Rulemaking	125 - 126
4. Consider Adoption of Bylaws	127 - 129

Announcements:

Next Scheduled Meeting: September 19, 2022 @ 10:00 a.m.

Adjournment

**PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS**

Training Room 2

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

---DRAFT ---

ADVISORY BOARD ON BEHAVIOR ANALYSIS

Minutes

January 31, 2022

The Advisory Board on Behavior Analysis met on Monday, January 31, 2022, at 10:00 a.m. at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia.

MEMBERS PRESENT:

Christina Giuliano, LBA
Mark Llobell, Citizen Member
Jerita Dubash, D.O.
Autumn Kaufman, LBA

MEMBERS ABSENT:

Steven Hoprich, LaBA

STAFF PRESENT:

William L. Harp, M.D., Executive Director
Michael Sobowale, LL.M., Deputy Executive Director
Colanthia M. Opher, Deputy Executive Director
Elaine Yeatts, DHP Senior Policy Analyst
Erin Barrett, J.D.
Beulah Baptist Archer, Licensing Specialist

GUESTS PRESENT:

Christy Evanko, VABA

CALL TO ORDER

Christina Giuliano called the meeting to order at 10:02 a.m.

EMERGENCY EGRESS PROCEDURES

Dr. Harp announced the emergency egress procedures.

ROLL CALL

Beulah Archer called the roll. A quorum was established.

APPROVAL OF MINUTES OF OCTOBER 5, 2020

Mark Llobel moved to approve the minutes from the October 5, 2020 meeting. Jerita Dubash seconded. Motion carried.

---DRAFT ---

ADOPTION OF AGENDA

Mark Llobell moved to adopt the agenda. Jerita Dubash seconded. The agenda was adopted as presented.

PUBLIC COMMENT

Christy Evanko provided public comment expressing the Virginia Behavior Analysts members' support for House Bill 751 which adds practitioners of behavior analysis to the list of individuals required to report suspected adult or child abuse or neglect. She also stated that members were pleased about House Joint Resolution 151 which designates the week of March 20, in 2022 and in each succeeding year, as Behavior Analysis Week in Virginia.

NEW BUSINESS

1. Report of Regulatory Actions and 2022 General Assembly

There were no regulatory actions affecting the Board but Mrs. Yeatts discussed various bills of interest currently pending in the General Assembly in the current legislative session. She highlighted HB 444 that amends existing provisions concerning holding of electronic meetings.

2. Behavior Analysis Licensure Requirements

Mr. Sobowale discussed the newly streamlined licensure process for the behavior analysis advisory board to include only one primary-source state license verification, BACB professional certification, and acceptance of a digitally-certified copy of the National Practitioner Data Bank report.

3. Approval of 2022 Meeting Calendar

Mark Llobell motioned to adopt the 2022 meeting calendar. Autumn Kaufman seconded. Motion carried.

4. Election of Officers

Christina Giuliano opened the floor for nominations. Mark Llobell motioned to keep the current officers in place. Autumn Kaufman seconded. Motion carried. Christina Giuliano remains Chair and Autumn Kaufman remains vice-chair.

ANNOUNCEMENTS

None

NEXT MEETING DATE

---DRAFT ---

May 23, 2022 @ 10:00 p.m.

ADJOURNMENT

There being no other business, Christina Giuliano adjourned the meeting 10:45 a.m.

Christina Giuliano, LBA Chair

William L. Harp, MD, Executive Director

Beulah Baptist Archer, Recording Secretary
On behalf of Pam Smith, Licensing Specialist



COMMONWEALTH OF VIRGINIA Board of Medicine

9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

(804) 367-4600 (Tel)
(804) 527-4426 (Fax)

Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.

Please provide the information requested below. (Print or Type)		
Petitioner's full name (Last, First, Middle initial, Suffix.)		
Moates, Michael S		
Street Address	Area Code and Telephone Number	
2700 Colorado Boulevard #1526	817-999-7534	
City	State	Zip Code
Denton	Texas	76210
Email Address (optional)	Fax (optional)	
michaelsmoates@gmail.com		
Respond to the following questions:		
1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.		
Title of Regulations: 18VAC85-150-10 et seq. - REGULATIONS GOVERNING THE PRACTICE OF BEHAVIOR ANALYSIS		
2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.		
Amend 18VAC85-150-60. Licensure requirement. to match the statute. Remove requirement for BACB certification and change language to say "entity that is nationally accredited to certify practitioners of behavior analysis" per statute. The statute requires this language in the regulation as it says "The Board shall establish criteria for licensure as a behavior analyst, which shall include, but not be limited to, the following:"		
3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is <u>other</u> legal authority for promulgation of a regulation, please provide that Code reference.		
2014 Virginia Code Title 54.1 - Professions and Occupations § 54.1-2957.16. Licensure of behavior analysts and assistant behavior analysts		
Signature:		Date: 14 Feb 2022

Request for Comment on Petition for Rulemaking

Promulgating Board: **Board of Medicine**

Regulatory Coordinator: Elaine J. Yeatts
(804)367-4688
elaine.yeatts@dhp.virginia.gov

Agency Contact: William L. Harp, M.D.
Executive Director
(804)367-4558
william.harp@dhp.virginia.gov

Contact Address: Department of Health Professions
9960 Mayland Drive
Suite 300
Richmond, VA 23233

Chapter Affected:
18 vac 85 - 150: **Regulations Governing the Practice of Behavior Analysis**

Statutory Authority: State: §§ 54.1-2400 and 54.1-2957.16

Date Petition Received 02/16/2022

Petitioner Michael Moates

Petitioner's Request

To remove the requirement for BACB certification and all certification from an entity that is nationally accredited to certify practitioners of behavior analysis.

Agency Plan

In accordance with Virginia law, the petition will be filed with the Register of Regulations and published on March 14, 2022 and posted on the Virginia Regulatory Townhall at www.townhall.virginia.gov. Comment on the petition will be requested until April 13, 2022 and may be posted on the Townhall or sent to the Board. Following receipt of all comments on the petition to amend regulations, the matter will be considered by the Advisory Board on Behavior Analysis on May 23, 2022, which will make a recommendation to the full Board for its meeting on June 16, 2022.

Publication Date 03/14/2022 *(comment period will also begin on this date)*

Comment End Date 04/13/2022



Barrett, Erin <erin.barrett@dhp.virginia.gov>

Fwd: QABA in VA (public comment)

2 messages

Harp, William <william.harp@dhp.virginia.gov>
To: Erin Barrett <erin.barrett@dhp.virginia.gov>

Wed, Mar 23, 2022 at 11:31 AM

FYI

----- Forwarded message -----

From: **Alena Barosa** <alenabarosa@autismts.com>
Date: Wed, Mar 23, 2022 at 11:03 AM
Subject: QABA in VA (public comment)
To: william.harp@dhp.virginia.gov <william.harp@dhp.virginia.gov>

Hello, Mr. Harp.

Hope you are having a wonderful Wednesday. I was unable to find a way to make a public comment about the petition regarding QABA in Virginia online. I decided to email you instead.

I have been a BCBA through BACB since 2016. I was a BCaBA (assistant) and RBT (technician) before that as well. I have been serving individuals on the autism spectrum since 2014. Although we are an applied behavior analysis clinic and are qualified to work with all populations, all of our patients (and we have several hundreds of them) have the diagnosis of autism.

In 2020, when the COVID-19 pandemic affected us the most, we were unable to conduct the regular training process for onboarding our staff. We continued operating with extra precautions during the pandemic, as we were the essential employees status. The BACB shut down their testing sites and everyone going through training had to wait indefinitely to take the test. Our HR department looked for other options and discovered QABA. We consulted with our insurance provider and were told that both ABATs (QABA) and RBTs (BACB) were qualified to deliver behavior analytic services. Since then we have been training ABATs exclusively. QABA offered proctored testing online and an overall intimate experience: when we had questions, we could speak to an actual person, not an automated service. Our individuals did not need to drive to the testing site in another town and could instead take their exam in our administrative building. When a new person gets hired, that individual completes the 40-hour instruction under a certified staff member. The training includes both the theory and the hands-on (in-vivo) training. We have designed a competency checklist for our trainees as well and evaluate their performance daily. Once all of the trainees satisfy the mastery criteria, they receive a certificate of completion. This certificate then qualified them to sign up for the exam. Following their passing, they are able to be fully onboarded.

A few years ago, I was given an opportunity to become a QBA through QABA. I became dual-certified, as I am presently both a QBA and BCBA. I also became a continuing education provider through QABA. We recently recertified our first ABAT using our CEU platform. Since most of all ABA patients are autistic, I do not understand the argument of QABA being "more autism based." I have many friends in other countries who were able to become certified through QABA, as such designation was not available through BACB in their home countries. I see a lot of value in QABA. As a relatively new entity, it continues to evolve and improve.

Please let me know if you have any questions or concerns.

Regards,

Aléna Barosa

Board Certified Behavior Analyst (BCBA)

Autism Therapeutic Services

Phone: (910) 484-1711/ 1722 (work)

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(919) 869-1685 (fax)

Website: www.autismts.com

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Barrett, Erin <erin.barrett@dhp.virginia.gov>
To: "Harp, William" <william.harp@dhp.virginia.gov>

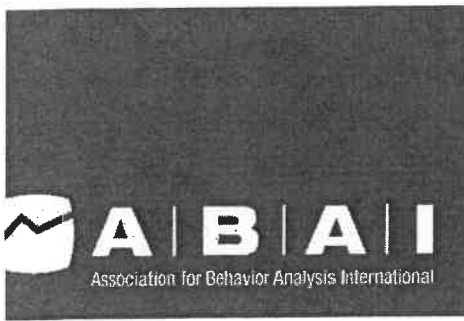
Wed, Mar 23, 2022 at 11:36 AM

Received. Thank you.

Erin L. Barrett, JD
Senior Policy Analyst

Virginia Department of Health Professions
9960 Mayland Drive
Suite 300
Richmond, Virginia 23233-1463
email: erin.barrett@dhp.virginia.gov

[Quoted text hidden]



April 13, 2022

Virginia Board of Medicine
9960 Mayland Drive, Suite 300
Henrico, VA 23233

Subject: Comments regarding behavior analyst certifying organizations

Colleagues:

I am writing on behalf of the Association for Behavior Analysis International (ABAI) which is the international professional organization for behavior analysis, the natural science of behavior, and its Licensing Committee. ABAI is uniquely positioned to address questions that arise regarding the practice and profession of behavior analysis.

We have been asked to comment regarding the discussion occurring in Virginia related to organizations issuing certification to behavior analysts. We recognize the concern possibly arising that some organizations may certify individuals as being sufficiently qualified when, in reality, a person does not possess the knowledge or supervised experience to provide appropriate services for clients. We think that identifying specific certifying organizations as holding acceptable certifying criteria to be unwise as the number of behavior analyst certifying organizations may shift over time and we would not want to take action might contribute to restricting timely decisions being made in Virginia regarding qualifications. To be clear, we cannot endorse any particular organization that certifies behavior analysts. We can, though, describe some considerations that we believe are important when reviewing such organizations.

Given that the rationale for licensing behavior analysts is protection of the public, of utmost importance is ascertaining how well a behavior analyst certification issued by an organization promotes protecting the public. How might that be evident? Some facets of how that be done are summarized immediately below with more details discussion following. Some essential factors include:

- 1. Making sure that the certification criteria are relevant to the area in which licensure would be provided, specifically relevance to behavior analysis, *per se*.**
- 2. Ensuring that the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure are intended to apply broadly and not just be relevant or especially relevant to a subset of the population.**
- 3. Determining that expected supervisory experience maximizes the likelihood that trainees have adequate relevant experience to develop the complex skills needed to provide effective and safe services needed by the public.**
- 4. Ensuring the results of certification examinations accurately reflect the knowledge of a candidate for certification and then licensure.**
- 5. Exploring whether the certifying organization has and enforces a code of ethics for people that it certifies.**

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6. Considering how certification decisions by an organization could facilitate financial gain accruing to private parties.

7. Addressing whether the behavior analyst certifying organization is accredited by a nationally or internationally recognized organization that accredits organizations that issue professional credentials, a necessary but not sufficient factor for adequate protection of the public.

Expanded consideration of those factors follows.

1. Making sure that the certification criteria are relevant to the area in which licensure would be provided, specifically relevance to behavior analysis, *per se*. If the license issued to behavior analysts is an unrestricted license (i.e., behavior analysts are not restricted to providing their services to only a subset of the populations such as Autistic people or minors), then the criteria for the certification required for behavior analyst must pertain completely to behavior analysis, rather than some other profession or to behavior analysis **plus** some other topic. Issuance of an unrestricted license requires that licensees' training and experience **NOT** be restricted to or primarily emphasize only one subset of the population; this is essential so that licensed behavior analysts will have received broad training that will facilitate their ability to provide appropriate and effective services to a broad array of clients. A crucial implication of this expectation for certificants is that the competencies a behavior analyst has received must reflect the fully range of behavior analysis, and not be restricted to or primarily emphasize what is relevant to only a subset of the population to whom behavior analysis services should be provided and that will seek behavior analysis services. The same holds true for the required training, supervised experience, and testing of persons to be certified. A behavior analyst certification program can contribute to protecting the public by having requirements that ensure that behavior analysts are prepared to provide the services people need in a manner that is safe, effective, and ethical. Inadequate standards increase the risk that certified behavior analysts will provide services and conduct themselves in ways that could cause some form of harm to the people to whom services are provided. The information to address this set of concerns should be readily available in the publicly available information provided by a certifying organization such as on its website. If the information is not readily available or what is available indicates that the issues mentioned here are not adequately addressed, then one should proceed with great caution regarding whether that organization is operating openly and is likely to provide the best available protection for the public.

2. Ensuring that the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure are intended to apply broadly and not just be relevant or especially relevant to a subset of the population, is not sufficient to maximize protection of the public. The expected knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure must validly reflect what actually is necessary for provision of effective behavior analysis services. The state of the art procedures are well articulated and available from a variety of sources pertaining to examination development and professional credentialing (e.g., the Council on Licensure, Enforcement & Regulation, www.clearhq.org). In brief, the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure should be derived from a systematic, validated representative query of persons practicing behavior analysis with preliminary item development by subject matter experts (SMEs). The findings from such surveys should be reviewed by SMEs, revised as needed and then, when any preliminary surveys are shown to be adequately broad and to be psychometrically reliable and valid, the finalized survey should be administered to a large representative group of behavior analysts. An important consideration in this regarding is that the validation sample is sufficiently representative. That is, the validation sample definitely should not be limited primarily to employees and associates of one company or organization nor to persons known to be working primarily with only a subset of the population. The validation of the items for competencies, examination content, and supervised experience must involve reasonable statistical procedures currently standard for professional examinations, a time consuming and potentially costly undertaking. Failure to do so could result in certification criteria that are too lenient, resulting in inadequately prepared persons being licensed and allowed to provide services to the public, causing harm due to inappropriate services being provided or failure to provide needed services. On the other hand, similar methodological inadequacy could result in certification criteria that are too stringent, resulting in too few adequately prepared persons being licensed and allowed to provide services to the public, causing harm due to restricting unduly the number of professionals

available to provide behavior analysis services to persons needing them, resulting in avoidable reduction in quality of life and/or safety for persons not receiving needed behavior analysis services. Information relevant to this set of concerns should be readily available in the publicly available information provided by a certifying organization such as on its website. If the information is not readily available or if the procedures for determining the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure lack the rigor briefly summarized here, then one should proceed with great caution regarding whether that organization is operating openly and is likely to provide the best available protection for the public.

3. Determining that expected supervisory experience maximizes the likelihood that trainees actually have adequate relevant experience to develop the complex skills needed to provide the effective and safe services needed by the public. Such supervised experience requires persons who could be certified and, thus, licensed, and should explicitly mandate that a large percentage of supervised experience involves direct service provision to clients/ patients. A trainee must not be allowed to possibly satisfy the supervised experience requirements without having demonstrated under rigorous expectations that they, in fact, can provide effective behavior analysis services. Such could happen by the certifying organization allowing trainees to count large amounts of time in activities other than service delivery, while recognizing that some time for activities of that sort is necessary. Another level of threat to the adequacy of supervised experience involves the trainee's supervisor not being required to possess credentials reflecting their having the knowledge and skills necessary to adequately evaluate the trainee's activities as behavior analyst services, *per se*. A supervisor with license or credentials in another profession without also having credentials in behavior analysis is highly unlikely to be adequately prepared to supervise a trainee to competently and safely provide behavior analysis services. A trainee without adequate supervised experience represents a high risk of causing harm because, if licensed, that person, would provide inappropriate services or fail to provide needed services. Further, without sufficient supervision the person would likely act outside their scope of practice and scope of competence, resulting in inadequate referrals for services from other disciplines (e.g., physicians, speech language pathologists). The information to address this set of concerns should be readily available in the publicly available information provided by a certifying organization such as on its website. If the information is not readily available or what is available indicates that the requirements for supervised experience are inadequate, then one should proceed with great caution regarding whether that organization is operating openly and is likely to provide the best available protection for the public.

4. Ensuring the results of certification examinations accurately reflect the knowledge of a candidate for certification and then licensure. A crucial step in realizing that outcome is ensuring that the examination results of behavior reflect that a person having the knowledge of behavior analysis necessary to pass the examination, being certified, licensed as a behavior analyst, and then independently provide services to people. That is on contrast to someone obtaining a passing score fallaciously due to cheating in some manner while taking the test. Thus, information should be readily available regarding the conditions and monitoring of administration of the examination. That information should make clear that the person taking a test is directly monitored, preferably in person and not virtually in locations such as in the United States where staffed, secure testing centers are available. Examination administered solely virtually should be considered more vulnerable to results being affected by extraneous influences. Such influences could result in an examination score of a candidate being falsely inflated to the level of a passing score despite the fact that the persons lacks sufficient knowledge or has acted unethically. As a result, that person lacks knowledge regarding behavior analysis to criteria worthy of receiving a license to practice behavior analysis and is likely harm recipients of their services due to providing inappropriate services or failing to provide needed services. If information regarding the conditions and monitoring of examination administration is not readily available or what is available indicates that the requirements for examination are inadequate, then one should proceed with great caution regarding whether that organization is taking all reasonable precautions to ensure the validity of testing and of validity of examination results, information needed to determine whether the organization's certification is likely to provide the best available protection for the public.

5. Exploring whether the certifying organization has and enforces a code of ethics for people that it certifies. A code of ethics articulates in written form, expectations- including general principles- for how certificants are to interact with people and conduct themselves (e.g., honestly, within their scope of competence). The point of a code of ethics or conduct is to have standards by which behavior analysts are held accountable for their behavior. Persons violating the code very often behave in ways that harm the public in various ways

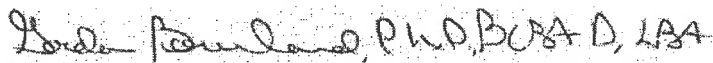
including physically, financially, emotionally. Just having a code of ethics or conduct by itself is not enough. If the certifying organization's code is aspirational, and is not accompanied by actions being taken when a violation is substantiated to correct the violator's inappropriate behavior or remove their certification and, thus, their authorization to provide behavior analysis services, then the public has much more limited protection from harm by behavior analysts acting unethically than they should and could have. Information should be readily available providing the code of ethics or conduct *and* regarding enforcement of the code, sanctions having actually been taken regarding certificants shown to have violated it. If the code is not presented or no information is provided clearly indicating that certificants violating the code have been experiencing and/ or will experience meaningful sanctions for doing so, then that certifying organization is falling short of what it could and should do to help protect the public from harm by behavior analysts acting unethically, allowing them to continue doing so and harming increasingly more people.

6. Considering how certification decisions by an organization could facilitate financial gain accruing to private parties. Certifying organizations that are nonprofit with their financial information readily available to the public seem less likely to tailor certification criteria and decisions in a manner that increases the likelihood of candidates being certified. Specifically, when the volume of certificants is accompanied by increased revenue for private parties, the certification criteria are likely to be adjusted be easily met, resulting in an accompanying increase in revenue due to the number of people applying for certification being increasing due to the criteria for gaining and maintain certification being considered relatively easy.

7. Addressing whether the behavior analyst certifying organization is accredited by a nationally or internationally recognized organization that accredit organizations that issue professional credentials, a necessary but not sufficient factor for adequate protection of the public. Such accreditation organizations have specific standards for credentialing organizations in various professions and industries. Those standards address numerous factors including, very broadly, the organization's governance, administration, clearly stated standards for its credentials (basis and development of them), assessment development and administration procedures, personnel matters, financial resources, financial management, quality assurance program, updating of standards, defensibility from challenges, and numerous other factors. In the United States two of the organizations most often accrediting organizations that provide professional credentials are the National Commission for Certifying Agencies (*NCCA*), the accrediting body of the Institute for Credentialing Excellence (*ICE*) and the American National Standards Institute (*ANSI*) and its subsidiary *ANSI National Accreditation Board (ANAB)*. One of these organizations should accredit any behavior analyst certifying organization. That said, note should be taken that a certifying organization being certified does not ensure that it adequately addresses the issues raised above. Accreditation of a behavior analyst certification organization is necessary but in itself is not sufficient to ensure that a credential from it provides all the protection of the public that can and should be provided. The points above illustrate specific ways potential protection of the public can be optimized or limited by a behavior analyst certifying organization.

We would be happy to provide additional information and engage in discussion regarding this important issue of selecting what behavior analyst certifying organizations provide credentials suitable for being the foundation of behavior analyst licensure. My contact information is provided below.

Thank you for your consideration.



Gordon Bourland, Ph.D., BCBA-D, LBA
Chair, ABAI Licensing Committee

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Association of



**Professional
Behavior Analysts**

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MEMO

TO: William Harp, MD
Executive Director, Virginia Board of Medicine
william.harp@dhp.virginia.gov

Elaine Yeatts
Senior Policy Analyst, Virginia Department of Health Professions
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Erin Barrett
Assistant Attorney General, Commonwealth of Virginia
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Pam Smith
Licensing Specialist, Virginia Board of Medicine
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FROM: Gina Green, PhD, BCBA-D
Chief Executive Officer, Association of Professional Behavior Analysts
Gina@apbahome.net

DATE: March 31, 2022

RE: Petition titled "Certification for licensure as practitioners of behavior analysis" filed 2/16/2022 and posted on Virginia Regulatory Townhall (www.townhall.virginia.gov)

Recently we learned of the above-referenced petition, which asks the Board of Medicine to revise the regulations governing licensure to practice behavior analysis professionally in Virginia "To remove the specific requirement for BACB [Behavior Analyst Certification Board] certification and accept certification from an entity that is nationally accredited to certify practitioners of behavior analysis." In response to the request for comments on that petition, I am writing on behalf of the Association of

Professional Behavior Analysts (APBA) to urge the Board of Medicine and the Advisory Board on Behavior Analysis to reject the petition because the requested changes contradict the laws and regulations for many of the professions that are regulated by the Board of Medicine and well-established practices in the credentialing of healthcare and human services professionals. That rationale is elaborated later. First, please allow me to provide some context and facts to address some of the disinformation that has been posted on the Regulatory Townhall site for the petition (<https://townhall.virginia.gov/L/Comments.cfm?petitionid=359>).

About APBA

- This organization is a 501(c)(6) nonprofit professional association incorporated in the District of Columbia. Its mission is to support and advance the science-based practice of applied behavior analysis (ABA). APBA is an autonomous organization, not an “arm,” branch, subsidiary, or component of any other entity.
- Like many other professional associations, APBA advocates for public policies that affect its constituents. That includes but is not limited to laws to license or otherwise regulate practitioners of ABA. APBA is not, however, a “lobbying” firm or organization. Indeed, the organization has not paid for any professional lobbying services in its 14-year+ history thus far.
- The material on the “About Us” page at www.apbahome.net, including the information about the BACB (www.bacb.com) and the history of the profession, is factual and is well-documented in numerous articles in peer-reviewed professional journals and other professional outlets.
- Like most other professional associations, APBA collaborates with many nonprofit organizations on public policy, educational, and other endeavors. They include our Affiliate organizations, trade associations, consumer advocacy organizations, and the BACB, as appropriate. We also collaborate with legislators, regulators, service agency administrators, consumers, and other stakeholders on public policies affecting the practice of ABA. One relevant example is Virginia’s behavior analyst licensure law.
- APBA publishes the Model Behavior Analyst Licensure Act. Like model licensure acts and licensure laws for most professions, it includes provisions for licensing individuals to practice the profession *generally*, without reference to any particular client populations, service recipients, settings, funding sources, etc. Accordingly, the model licensure act proposes that any certifying entity that is recognized in behavior analyst licensure laws or rules should credential individuals to practice ABA, full stop -- as opposed to, say, delivering some behavioral interventions to individuals who have a specific diagnosis or using just the subset of behavior analytic concepts and procedures that apply to serving a single client population. The BACB meets those and other important criteria (discussed later), so the APBA model act proposes to make current certification by the BACB the principal qualification for a state-issued license to practice ABA professionally. The basic rationale for that position is summarized in the model licensure act as follows:

Licensure requirements in many professions include completion of specified degrees, coursework, and supervised experiential training as well as passage of a valid and reliable professional examination in the subject matter. Those requirements are typically set by the profession, and are often derived from job analysis studies involving many members of the profession as well as input from experts in the subject matter, psychometrics, and applicable laws. The BACB’s certification programs have all of those features and are accredited by the National Commission on Certifying Agencies, which means that the programs meet rigorous standards that are grounded in case law and best practices in professional credentialing.

Professional credentialing (certification and licensure) in healthcare and human services

The current Virginia behavior analyst licensure regulations specify

18VAC85-150-60. Licensure requirement.

An applicant for a license to practice as a behavior analyst or an assistant behavior analyst shall hold current certification as a BCBA® or a BCaBA® obtained by meeting qualifications and passage of the examination required for certification as a BCBA® or a BCaBA® by the BACB.

The Board of Medicine is urged to retain that regulation as written because it is consistent with the licensure laws and/or regulations of several other healthcare professions that are regulated by the Board, which specify that a certification issued by a national certifying entity is accepted or required for the state-issued license. A few examples are shown here:

<u>Profession</u>	<u>Certifying Entity</u>
Athletic Trainer	National Athletic Trainers' Association Board of Certification https://bocatc.org
Midwife	American Midwifery Certification Board https://www.amcbmidwife.org
Occupational Therapist, Occupational Therapist Assistant	National Board for Certification in Occupational Therapy https://www.nbcot.org
Physician Assistant	National Commission on Certification of Physician Assistants https://www.nccpa.net
Registered Surgical Technologist	National Board of Surgical Technology and Surgical Assisting https://www.nbtsa.org

Like the BACB, these certifying entities are independent **nonprofit** organizations, not privately held for-profit companies or components or subsidiaries of such companies. Some of these professional certifying entities have spun off of nonprofit professional associations, which is common. To my knowledge, none have spun off of, are operated by, or are subsidiaries of private for-profit companies or organizations. As you are no doubt aware, per IRS regulations, nonprofit (tax exempt) organizations must serve and be accountable to the public; have no owners, shareholders, or investors; and must use any surplus revenues to further their mission, i.e., to benefit the communities they serve.

The BACB and many other nonprofit professional certifying entities in healthcare and human services

- are governed by independent, volunteer boards composed mainly of certified members of the profession, with some consumer or other public members and in some cases, members of related professions;
- make their nonprofit status, board election procedures, bylaws, other governing policies, and standards transparent;
- set eligibility requirements for the certifications they issue as well as other standards for their certificants;
- have their certification programs accredited by the National Commission for Certifying Agencies (NCCA), which is the first entity to develop standards for accrediting professional certification programs in healthcare;
- work closely with nonprofit professional associations in their fields; and

- conduct, commission, and/or use profession-wide practice or job task analyses (JTAs) to identify the knowledge, skills, and abilities involved in practicing the profession (again *generally*, without restriction or reference to specific subsets of clients or other service recipients), and to determine the contents of the certification exams. The JTAs typically involve large numbers of subject matter experts and other credentialed members of the profession as well as experts in psychometrics. Results of JTAs may influence certification eligibility requirements (e.g., degrees, coursework, supervised practical training) and therefore the content of college and university courses and programs to prepare students for obtaining the certification (and often, state licensure). Most certifying entities repeat the JTA every few years and make detailed reports of the most recent JTAs and the resulting task lists or exam content outlines readily available in professional journals or other publications or on their websites. For examples, please see the following with respect to some of the certification entities that are incorporated in Board of Medicine licensure laws and/or regulations:
 - American Midwifery Certification Board JTA - https://www.amcbmidwife.org/docs/default-source/task-analysis/2017-task-analysis-report.pdf?sfvrsn=7aaa6e17_2
 - National Board for Certification In Occupational Therapy practice analysis for Occupational Therapist Registered - <https://www.nbcot.org/-/media/NBCOT/PDFs/2017-Practice-Analysis-Executive-OTR.ashx?la=en&hash=42CC69FEB1F23F480B90A733E031DAEB5D5AD1FD>
 - National Board for Certification in Occupational Therapy exam content outline for Occupational Therapist Registered - https://www.nbcot.org/-/media/NBCOT/PDFs/2017_OTR_Outline.ashx?la=en&hash=C6C7BA6D95DFF67A5D2396ABB4EEF65038E01585
 - National Board of Surgical Technology and Surgical Assisting job analysis for Certified Surgical Technologist – <https://www.nbtsa.org/sites/nbtsa/files/pdf/2018%20NBSTA%20CST%20JA%20Report%20-%20Summary2.pdf>
 - National Board of Surgical Technology and Surgical Assisting exam content for Certified Surgical Technologist – https://www.nbtsa.org/sites/nbtsa/files/pdf/2021_CST_ContentOutline.pdf

The BACB has conducted several JTAs of the practice of ABA over the past 20+ years, using the same well-established procedures and standards as the other certifying entities cited earlier and many others. Reports of some of the BACB's JTAs have been published in peer-reviewed professional journals (see "BACB-Authored Publications about BACB Activity" at <https://www.bacb.com/about/bacb-resources/>); others have been published in BACB newsletters (e.g., see https://www.bacb.com/wp-content/uploads/2020/05/BACB_Newsletter_05_2011.pdf and <https://www.bacb.com/wp-content/uploads/2020/05/January2017-newsletter-200828.pdf>). The current task lists (certification exam content outlines) can be found at <https://www.bacb.com/task-lists/>. It is important to note that, like the task lists and exam outlines resulting from JTAs for most healthcare and human services professions, the BACB task lists make no mention of any client diagnoses, classifications, etc. Instead they describe the concepts, principles, and procedures involved in practicing ABA with *any* client or service recipient.

The characteristics of nonprofit certifying entities like those just described afford many important legal and other safeguards for certificants, consumers, employers, funders, and governments. That is likely

one reason the credentials they issue are accepted or required for licensure in healthcare and human services professions in many states. To take just one example, the National Board for Certification in Occupational Therapy states that its certifications are required for licensure in occupational therapy in all 50 U.S. states. Relatedly, the American Psychological Association's Criteria for the Recognition of Organizations that Provide Certifications in Specialties and Subspecialties in Professional Psychology has as its first criterion "The certifying body is a **non-profit** organization that has **published bylaws, standards, and procedures** and is governed by an **independent board of directors**, with specified procedures for selection and tenure of board members such that control does not rest with one individual or group of individuals indefinitely" (emphases added).

In sum, APBA advocates for current certification by the BACB to be the principal qualification for obtaining and maintaining state-issued licenses to practice ABA because the BACB has all the characteristics just described. That is, the BACB is an independent, nonprofit certifying organization that has long used well-established procedures and standards to (a) identify competencies for practicing ABA; (b) set educational and experiential training, ethical, and other standards; and (c) develop, evaluate, and manage psychometrically and legally validated professional examinations in the subject matter.

Evaluating certification programs in the practice of behavior analysis

At the behest of some state regulators, some of our Affiliate organizations, and others, in 2018 APBA developed Guidelines for Evaluating Credentials in the Practice of Applied Behavior Analysis. We respectfully offer them in case the Board of Medicine and Advisory Board on Behavior Analysis find them helpful for evaluating requests to revise the requirement for licensure in behavior analysis that is currently in regulation 18VAC85-150-60. With respect, we also offer the following suggestions for exercising due diligence with regard to companies that issue certifications in the practice of ABA that are purported to be "equivalent" to those issued by the BACB by reviewing information that is available through public sources:

- Check the company's website for information about key characteristics, including its for-profit or nonprofit status, mission, governing board and policies, operations, staff, history, relationship to other companies or organizations (may be embedded in the bios of board members and staff, job task analysis reports, or documents available from other sources; see below), reports of job task analyses, task lists or exam contents, eligibility requirements and how they are determined, other standards and how they are determined, accreditation of its certification programs, and the like.
- To check the nonprofit status of a company, search for its name at <https://www.irs.gov/charities-non-profits/search-for-tax-exempt-organizations>. If that search brings up the company's name, click on it to access information about it. Review documents such as annual tax returns (990s) for information like the name and address of the principal officer and the names of the company's officers, directors, trustees, and key employees.
- If the company is for-profit, try to find out who owns it and who benefits from the profits.
- If you know the state(s) in which the company is incorporated or doing business, you can probably find information about it by searching the website of the state agency that regulates business entities, such as the Secretary of State. (For instance, the California Secretary of State has a Business Search feature at <https://businesssearch.sos.ca.gov>. It allows you to search by corporation name, LP/LLC name, or entity number; you might have to search with more than one of those filters). If the company is found, you should be able to see what type of organization it is, the address, and the principal agent or owner. If available, peruse documents like the company's original registration and recent corporate filings for additional information.

- If the company has trademarked any titles, names, or brands, search for them in the trademark database of the U.S. Patent and Trademark Office, <https://www.uspto.gov/trademarks/search>. If the company is found, search the records on that site for information about the company's goods and services, the owner, and the address.
- If reports of job task analyses or exam content outlines can be obtained, compare the content with the corresponding BACB documents (most recent JTA report at <https://www.bacb.com/wp-content/uploads/2020/05/January2017-newsletter-200828.pdf>; current task lists [certification exam content outlines] at <https://www.bacb.com/task-lists/>). In particular, look for evidence that
 - the JTA pertained to the practice of professionals rather than paraprofessionals/technicians, and to the practice of ABA with any category of client or service recipient rather than just one or a few;
 - the characteristics and numbers of individuals to whom the JTA survey was sent and the subject matter experts involved indicate that they were representative of the profession as a whole;
 - the task list or exam content outline describes the entire array of concepts, principles, and procedures involved in practicing ABA professionally with any client or service recipient.

Thank you very much for considering this input. If we can provide additional information or answer any questions, please don't hesitate to ask.

cc: Virginia Association for Behavior Analysis – admin@virginiaaba.org



Barrett, Erin <erin.barrett@dhp.virginia.gov>

Fwd: BCBA Licensure Requirements

1 message

Harp, William <william.harp@dhp.virginia.gov>
To: Erin Barrett <erin.barrett@dhp.virginia.gov>

Wed, Apr 6, 2022 at 11:11 AM

Here's another comment on the BA petition.

----- Forwarded message -----
From: **Ann Flippin** <ann.flippin@ascv.org>
Date: Wed, Apr 6, 2022 at 10:30 AM
Subject: BCBA Licensure Requirements
To: <william.harp@dhp.virginia.gov>

Dear Dr. Harp,

I am the Executive Director of the Autism Society of Virginia, a non-profit with a mission to support, empower, and build connections for our local autism community.

I have read and considered the proposed petition, and I disagree with the conclusion that the path to licensure as a behavior analyst in Virginia should be modified in the manner the petition describes.

The current process of certification by the BACB as a BCBA/BCaBA ensures that providers serve individuals with the highest quality of care and quality and mitigate the risk of harm. A shift to less strict requirements is a step in the wrong direction.

We advocate that current licensure requirements remain the same - only be conducted by the BACB at this time.

Sincerely,

Ann Flippin

Ann Flippin
Executive Director
Autism Society Central Virginia
8730 Stony Point Pkwy, Ste 150
Richmond, VA 23235
804-257-0192
ann.flippin@ascv.org
www.ascv.org



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Disclaimer: The Autism Society Central Virginia is a locally funded organization serving individuals with Autism Spectrum Disorders, their families and professionals who work with them in the greater metro Richmond area. All information provided is for informational purposes only. We do not promote or endorse any program, treatment or provider.

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April 8, 2022

William L. Harp, M.D.
Executive Director
Board of Medicine
Virginia Department of Health Professions
9960 Mayland Drive, Suite 300
Henrico, VA 23233

Dear Dr. Harp,

I am writing in reference to the "Public Petition for Rulemaking: Certification for licensure as practitioners of behavior analysis." The post behavior and rhetoric on the public comment webpage has become quite incendiary and unprofessional, so I have opted not to communicate via the webpage. Instead of correcting the large number of misstatements about the BACB, I thought I would let you know that if you have any questions or concerns about the BACB or its activity you may send them directly to me at carr@bacb.com. We have worked with your board for a decade in the verification of BACB certificants for licensure applications and have found the relationship to be very productive. Please know that you may always contact me if we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Carr". The signature is fluid and cursive.

James E. Carr, Ph.D., BCBA-D
Chief Executive Officer

cc: Erin Barrett, Senior Policy Analyst

Virginia Department of Health Professions,
Board of Medicine
Perimeter Center
9960 Maryland Drive, Suite 300
Henrico, Virginia 23233

Attention: William L. Harp, MD

RE: Public Petition for Rulemaking: Certification for Licensure as Practitioners of Behavioral Analysis

Dear Dr. Harp and Board Members,

I am writing to ask that you oppose this petition.

I am a practicing Board Certified Behavior Analyst (BCBA), and Licensed Behavior Analyst (LBA), by the Board of Medicine, and have spent the last 10 years of my career practicing in the State of Virginia, and nearly 15 years working with individuals with developmental disabilities using Applied Behavior Analysis (ABA). I am also a Professor of Ethics in the ABA Program at Capella University. I hold myself and other practitioners who hold the BCBA and LBA credentials to a high standard of upholding our ethical obligations to our clients, their families, and the field of behavior analysis. Additionally I am certified by the International Behavior Analysis Organization (IBAO) as an International Behavior Analyst (IBA). I qualified for that credential because of the existing BACB credential that I hold, and it was a matter of filling out an application and paying a fee, no additional coursework or clinical supervision hours were required.

I have serious concerns about the potential removal of the Behavior Analyst Certification Board (BACB) credential from law to qualify for the LBA credential in Virginia. While I am not opposed to other boards and credentialing bodies being considered in the future and added to the legislation, my request would be that for the protection of our clients and quality of service delivery that those standards be the same or higher as the BACB requirements currently in place. To reduce the standards would be detrimental to the quality of services being delivered in Virginia currently.

I also have concerns that the agency the petitioner is advocating as a qualifying credentialing board is itself not operating in an ethical manner. The BACB prohibits conflicts of interest and if conflicts exist, they should be clearly identified and mitigated. Any board added to the legislation should also be of non-profit status so their financial status and data are transparent to consumers, and so that no conflict of interest exists in any shareholders having financial gain over the number of certificates they certify.

LBA's in Virginia can work in a variety of service areas. I for one, work with children with histories of trauma and various developmental disabilities. Others can specialize in autism, behavioral gerontology, animal training, lactation consulting, and the list goes on. We are ethically bound to practice within our scope of competence, and under the supervision of a

qualified professional if we wish to expand our scope of practice. Isolating our licensure or allowing individuals with training in only one service category (i.e. autism) would also harm the field and our consumers, and cause confusion to individuals seeking services.

Not all data are created equal. The BACB is transparent about their demographic data, exam pass rates, university programs, and the process by which they continually task analyze and improve the standards that qualify for their credential. Any certifying body that the Board of Medicine considers to qualify for the LBA credential should have the same or an equally rigorous process.

I strongly suggest that the Board of Medicine demonstrate due diligence in investigating the rigor of other companies and organizations which are issuing credentials for behavior analytic practitioners, as the organization mentioned in this petition will likely not be the last to petition the Board of Medicine to qualify for a license in Virginia. I mentioned earlier that I am also certified by another certifying body, and that organization does not hold the same standards as the BACB. I would not feel comfortable with an LBA qualifying under the standards of the IBAO alone either.

In conclusion, reducing the standards would only harm consumers. If the Board of Medicine wishes to consider other organizations and certifying bodies, I encourage you to please hold them to the same standards that exist in our practice currently.

Best regards,

Katherine (Kitti) Robinson, EdD, BCBA-D, LBA, IBA

**Children's
Neurological
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101 Harris Road, Building 6

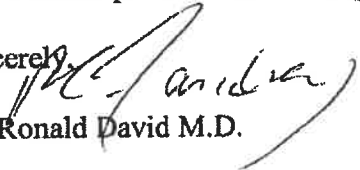
Kilmarnock, VA 22482

(804) 436-2685

Dear Dr. Harp,

As a pediatric neurologist, I often refer my patients to Applied Behavior Analysis (ABA) Providers. It is important that providers that are licensed to practice ABA are rigorously qualified. I am not in favor of the petition to add any certifications to the regulations beyond those of the Behavior Analyst Certification Board (BACB) at this time. A license protects consumers and ensures that the provider is well-qualified to deliver the services for which s/he is licensed. Including certifications from an organization that is for-profit, non-transparent, focused on one diagnosis, and less rigorous than the current option would not be safe for the patients I refer. Please help protect consumers who receive ABA services by ensuring that licensed providers are well-qualified.

Sincerely,


Dr. Ronald David M.D.



Barrett, Erin <erin.barrett@dhp.virginia.gov>

Fwd: ANSI Comment for Petition Certification for licensure as practitioners of behavior analysis

1 message

Harp, William <william.harp@dhp.virginia.gov>
To: Erin Barrett <erin.barrett@dhp.virginia.gov>

Thu, Mar 31, 2022 at 4:07 PM

Hi Erin:

Here is a comment from the QABA Credentialing Board.

Thanks, WLH

----- Forwarded message -----

From: **Hollie Benincosa** <hbenincosa@qababoard.com>

Date: Thu, Mar 31, 2022 at 3:01 PM

Subject: ANSI Comment for Petition Certification for licensure as practitioners of behavior analysis

To: <william.harp@dhp.virginia.gov>

Hello Mr. Harp,

I wanted to share the public comment that was submitted by ANSI (ANAB). I believe you will find the comment very compelling.

Commenter: Vijay Krishna, ANSI National Accreditation Board

Comments from ANSI National Accreditation Board

Ref: Petition for Rulemaking: Certification for licensure as practitioners of behavior analysis: Regulations Governing the Practice of Behavior Analysis (18 VAC 85-150)

Dear Board Members,

As the Board considers the petition for certification for licensure as practitioners of behavior analysis, the ANSI National Accreditation Board (ANAB) would like to provide information relating to the international/national standard for assessing the competence of personnel certification bodies and the accompanying accreditation requirements.

The ANSI National Accreditation Board (ANAB) is an affiliate of the American National Standards Institute (ANSI) and the largest multi-disciplinary accreditation body in the western hemisphere, with more than 2,500 organizations accredited in approximately 80 countries. ANSI oversees the creation, promulgation, and use of thousands of norms and guidelines that directly affect businesses in nearly every sector: from acoustical devices to construction equipment, from roads and bridges to energy distribution, and healthcare. ANAB accredits personnel certification bodies based on the international standard ISO/IEC 17024: *Conformity assessment- Requirements for bodies operating certification of persons*. This standard is also adopted as an American National Standard. ANAB has accredited over 225 programs under this standard including several in the healthcare sector such as those offered by the American Board of Multiple Specialties in Podiatry, ASCP Board of Certification, Inteleos, Lymphology Association of North America, National Board of Certification in Occupational Therapy, ABRET Neurodiagnostic Credentialing and Accreditation, AONN Foundation for Learning, and Academy of Lactation Policy and Practice. A complete listing of all accredited programs can be found at <https://anabpd.ansi.org/Accreditation/credentialing/personnel-certification/ALLdirectoryListing?menuID=2&prgID=201&statusID=4>

The ANAB accreditation process – itself based on an international standard (ISO/IEC 17011: *Requirements for accreditation bodies accrediting conformity assessment bodies*) – is extremely rigorous and ensures that only those organizations that meet the stringent requirements under the standard are accredited. Independent third-party accreditation is an “accountability mechanism” to ensure the quality and legitimacy of organizations offering credentials. ANAB accreditation provides an added layer of legal defensibility against invalid claims. The accountability and transparency built into the ANAB process support conformity assessment attestations and can result in reduced liability insurance.

Benefits of Accrediting Credentialing Organizations to ISO/IEC 17024

Accreditation is a key component of an effective standardization system, assuring industry and governmental decision-makers that credentialing organizations are competent and their results can be trusted. The standard was developed by the International Organization for Standardization (ISO) based on the need for public protection by establishing that individuals have the required competencies to perform their job. The standard has been recognized by several U.S. federal agencies as a critical requirement for personnel certification bodies that offer certification in areas related to public health, environment, and national security. ANAB is a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Arrangement for ISO/IEC 17024, which brings global acceptance of its accreditation program,

The following are the key requirements under the standard:

- **Credibility:** The certification examination must be fair, valid, and reliable. A valid test correctly measures whether an individual has the necessary competencies for the job. Validity is an indicator to establish that the process measures what is intended to measure. Exam reliability shows that the test measures a person’s abilities in a consistent manner.
- **Impartiality:** The certification body should establish its structure, policies, and procedures to ensure impartiality and objectivity and manages conflict of interest arising from certification activities.
- **Independence:** The certification functions should be independent of training to ensure that confidentiality, information security, and impartiality are not compromised.
- **Transparency:** The certification body is required to have an active complaints process to resolve complaints against its activities as well as complaints against individuals that it has certified.
- **Accountability:** As per the standard, the certification body should have a due process for taking away the credential for unethical or incompetent behavior.
- **Balanced representation of stakeholders:** The standard requires that the certification body should involve key stakeholders in making certification-related decisions. Additionally, subject matter experts (SMEs) should be involved in creating the certification scheme requirement based on a valid job or practice analysis.
- **Certification scheme:** The standard requires a certification body to demonstrate that, in the development and review of the certification scheme the following are included:

- a) the involvement of appropriate experts;
- b) the use of an appropriate structure that fairly represents the interests of all parties significantly concerned, without any interest predominating;
- c) the identification and alignment of prerequisites, if applicable, with the competence requirements;
- d) the identification and alignment of the assessment mechanisms with the competence requirements;
- e) a job or practice analysis that is conducted and updated to:
 - identify the tasks for successful performance;
 - identify the required competence for each task;
 - identify prerequisites (if applicable);
 - confirm the assessment mechanisms and examination content;
 - identify the re-certification requirements and interval.
- **Other requirements:** The standard is very comprehensive and covers all aspects of certification including test security, recertification, resource requirement, confidentiality, the competence of personnel involved



Website: qababoard.com Email: hbenincosa@qababoard.com

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Barrett, Erin <erin.barrett@dhp.virginia.gov>

Behavior Analyst Board Petition

2 messages

Kate Lewis <k8lewis2013@gmail.com>
To: "Harp, William" <william.harp@dhp.virginia.gov>
Cc: erin.barrett@dhp.virginia.gov

Wed, Apr 13, 2022 at 9:32 AM

Hi Dr. Harp,

I hope you are doing well. I am writing to you in concern about the current petition to the Board around removing the specific requirement for BACB certification and accepting certification from an entity that is nationally accredited to certify practitioners of behavior analysis.

I am highly concerned about this petition in regards to protecting our consumers. If this were to go through, then other credentialing entities that are not as rigorous as the BACB would be allowed to be licensed, making it even more confusing for consumers to identify quality providers. The fact that the agency making this petition is a for profit is also of great concern, due to the lack of transparency of a for profit versus a nonprofit. For profits, are just that, for profit, therefore they may change their criteria and standards based on what is in the best interest for the agency and not necessarily for the consumer. I'm also concerned that the agency making this petition certification is aligned specifically with autism services. Allowing this type of certification for licensure does not protect consumers of behavior analytic services. Not all consumers have a diagnosis of autism and thus those with this credential would not be qualified to serve them, which could lead to ineffective services.

I thank you for your time and consideration of my concerns.

Sincerely,
Kate Lewis

--
Kate Lewis, MS, BCBA, LBA
540-505-2486

Harp, William <william.harp@dhp.virginia.gov>
To: Kate Lewis <k8lewis2013@gmail.com>
Cc: Erin Barrett <erin.barrett@dhp.virginia.gov>

Wed, Apr 13, 2022 at 9:43 AM

Thanks, Kate. Hope you and yours are doing well. WLH

[Quoted text hidden]



Barrett, Erin <erin.barrett@dhp.virginia.gov>

Petition: Certification for licensure as practitioners of behavior analysis

1 message

Justin Creech <justincreechpbc@gmail.com>
To: william.harp@dhp.virginia.gov, erin.barrett@dhp.virginia.gov

Wed, Apr 13, 2022 at 7:59 AM

Good morning,

I'm writing to oppose the petition proposed by the petitioner of QABA as I do not believe it is in the public interest and will cause confusion for individuals seeking behavior analysis services. Furthermore, the BACB upholds rigorous standards which protects consumers. I feel we would be putting consumer safety at risk by adding QABA as a certification for licensure to practice behavior analysis.

Thank you for the opportunity to comment.

Justin

--

Justin Creech, MA, BCBA, LBA
BACB 1-18-29916
VA Licensed Behavior Analyst #0113001228



Barrett, Erin <erin.barrett@dhp.virginia.gov>

Alternate Certifications for Licensure of Behavior Analysts

1 message

Austin, Kira <kaustin2@rvaschools.net>

Wed, Apr 13, 2022 at 2:37 PM

To: "erin.barrett@dhp.virginia.gov" <erin.barrett@dhp.virginia.gov>, "william.harp@dhp.virginia.gov" <william.harp@dhp.virginia.gov>

Good afternoon,

I am reaching out to express my concerns with the petition regarding alternate certifications under the umbrella for licensure for Behavior Analysts in Virginia.

Typically I would provide public comment, but it appears that the public comment forum has been overrun by personal attacks and misinformation. I cannot speak to the motivation behind this individual's actions, but I assure you, from an ethical and professional lens, it is not typical behavior of the Behavior Analysts I know in Virginia.

I have been a behavior analyst in Virginia since 2015 and have served in private day schools for students with disabilities, public schools as well as at the Virginia Department of Education Training and Technical Assistance Centers. Recently, VDOE in partnership with ODU created a network of Licensed Behaviors Analysts working in public schools. In spite of the fact that we have an Autism Center for Excellence, the decision to work with ODU was made in an effort to separate the practice of behavior analysis from becoming synonymous with autism. Yes, ABA has been shown to be effective treatment for students on the spectrum, but the science of behavior analysis has been shown to be effective in organizational management, addiction treatment, maintaining healthy lifestyles, and a vast array of other facets of human life.

While I am not writing on behalf of this network, I can share some information that we have learned from both my previous experiences as well as information gathered from our members. As we developed the network and gathered information needed to effectively support these professionals, we heard some common themes. Many were the only Behavior Analyst in their division and were seeking peer support to increase their capacity. Some did not feel that they were being utilized to their full extent within the division. Many were seen as "firefighters" who were expected to move from crisis to crisis to support teams after the student was already at risk for placement in a more restrictive environment.

Part of our work with this network has been to promote the use of Behavior Analysis in schools because we know that our skill set can improve teacher practice and ultimately outcomes for children. It is important, when promoting a practice, to have a level of quality control over the practice you are promoting. This not only benefits the practitioners, but ultimately, and more importantly benefits and protects the consumer.

Part of our effort has been to help school division leadership understand the potential impact that having Licensed Behavior Analysts on staff can bring, not just for students with disabilities, but for entire school divisions in developing capacity for supporting students in the least restrictive environment and supporting students with the most significantly challenging behavior. Behavior Analysts are uniquely qualified to address these needs and support schools because of the rigorous training and supervision requirements.

Licensure provides a level of protection to the consumer. When an individual is licensed by the state, it infers that the professional has met certain standards that have been developed, peer reviewed, and systematically updated and improved as the field advances and applications of the science change. In a field like behavior analysis, this often means our clients/students are some of the most vulnerable members of the population and should be afforded the most protection.

My concern with the current petition is that it would allow for-profit companies to enter the field without some of the protections that a not-for-profit organization would bring, therefore decreasing the level of consumer protection. If alternative certifications are to be approved, those certifications should come from a non-profit that has established professional standards of practice, bylaws, standards and procedures. The organization should have an unpaid governing body of credentialed behavior analysts as well as consumers of behavior analytic practice, and be independent of other organizations in making decisions about the organizations credentialing program.

Offering licensure to private entities does not allow for the transparency and consumer protection afforded by nonprofits and puts consumers at risk. At any time, a company can be bought and sold to private equity or staffing firms whose driving force is profit, not supporting and protecting practitioners and consumers.

4/13/22, 2:38 PM

Commonwealth of Virginia Mail - Alternate Certifications for Licensure of Behavior Analysts

In short, I support the Virginia Association for Behavior Analysis's (VABA) Position on Credentials to Serve as Qualification for Licensure to Practice Behavior Analysis in Virginia.

Thank you for your time and consideration.

—
Kira Austin, PhD, BCBA, LBA
She/Her/Hers
Board Certified Behavior Analyst
Office of Exceptional Education
Richmond Public Schools
301 North Ninth Street
Richmond, VA 23219-1927
kaustin2@rvaschools.net
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4/13/22, 10:24 AM



Barrett, Erin <erin.barrett@dhp.virginia.gov>

Please Oppose the Petition

1 message

Lisa Falke <lfalke@waynesboro.k12.va.us>

Wed, Apr 13, 2022 at 10:07 AM

To: erin.barrett@dhp.virginia.gov, william.harp@dhp.virginia.gov

Hi!

I'd like to express my concerns about expanding the options for certification regarding behavior analysis. I have been practicing as a BCBA for 13 years. I have worked in multiple sectors across TX, WA, MA and VA and supervised other BCBA's and students. I have concerns about the discrepancy in requirements between certifying bodies and the deterioration in services that could occur by allowing less qualified, practiced or educated individuals to become licensed. The BACB, the current most prominent and long-standing certification body, has very stringent requirements for supervised hours, educational background and education criteria for certification in an effort to maintain quality. When you compare their qualifications for certification, they far outweigh those of other, newer certifying bodies. There is a big push to quickly create behavior analysts because of the great need for the specialty and profits that can be made by certifying bodies and I worry that speed and profits will be prioritized over quality of services provided if we lessen the criteria for certification and allow for other certifications. Please do not remove the requirement for board certification through the BACB. It is an important quality indicator that our field cannot lose. Yes, I want more families and children served, but I want them served well, with quality behavior analysis and practice. Behavior analysts have a huge impact and an important role in families' lives. If not done well, they can do a lot of damage and ruin the reputation of behavior analysis. Please help keep the quality of services high by opposing the petition to expand the options for certification outside the BACB. Thank you for your time.

Sincerely,
Lisa Falke, M.S. in Behavior Analysis, BCBA, LBA

Lisa Falke, M.S., BCBA, LBA
Pronouns: She/Her
Behavior Analyst
Waynesboro Public Schools
Shenandoah Valley Regional Program
lfalke@waynesboro.k12.va.us
(540) 946-4670 ext. 121
UVA Autism Drive: <https://autismdrive.virginia.edu/#/home>

PUBLIC COMMENT

TO: William Harp, MD
Executive Director, Virginia Board of Medicine
william.harp@dhp.virginia.gov

FROM: Shantel Pugliese, M.S., BCBA, LBA
Assistant Director
The Faison Center

DATE: April 13, 2022

RE: Public Petition for Rulemaking:
Certification for Licensure as Practitioners of Behavior Analysis

Dear Dr. Harp,

This petition was filed with the request “to remove the specific requirement for BACB certification and accept certification from an entity that is nationally accredited to certify practitioners of behavior analysis.” As someone who was certified by the Behavior Analyst Certification Board (BACB) in 2012, became licensed to practice in Virginia in 2013, and is currently serving as Secretary on the Virginia Association for Behavior Analysis (“VABA”) board of directors, I oppose the Petition.

The Petition proposed another credentialing organization, Qualified Applied Behavior Analysis (“QABA”), which does not meet the same standards that are adhered to by the BACB. First, the BACB is an independent 501(c)(3) nonprofit organization that provides **transparency** to its certificants as well as the general public. Some examples of how they provide transparency include, but are not limited to, 1) they maintain an updated certificant registry where consumers and other practitioners can find and *verify* a certificant’s status, 2) they publish the total number of certificants per year as well as updated demographic data, 3) they conduct job analysis studies, share the results, and use the data to further refine the requirements toward certification, and 4) they maintain a thorough process for ethics violations, including a database that allows the public to search for certificants who have received disciplinary actions. At the time of this writing, I am not able to locate any similar information on the QABA Credentialing Board’s website.

Second, the BACB provides **rigorous standards** for coursework and supervision required for certification. To become a Board Certified Behavior Analyst, the BACB requires *315 hours* of coursework in *behavior analysis*. Coursework must be completed in an accredited university degree program or a course sequence that has been verified by the Association for Behavior Analysts International (ABAI). The BACB’s supervision standards require certificants to complete either *2000 hours* of supervision with *5%* of the hours directly supervised by an active Board Certified Behavior Analyst, or *1500 hours* with *10%* of the hours directly supervised. In contrast, to become a Qualified Behavior Analyst (QBA), the QABA Credentialing Board requires *270 hours* of coursework with a minimum of 20 hours in *autism core knowledge*. Coursework can be obtained by a provider approved by QABA and does not appear to require accreditation or an affiliation with a university. Additionally, the QABA’s supervision standards

require one to complete 1500 hours with 5% of the hours directly supervised by a QBA or “a licensed practitioner within the scope of ABA.” Given this information alone, the standards set forth by the QABA credentialing board do not meet or compare to the standards set forth by the BACB.

Third, the BACB’s standards for obtaining a credential are based in the field of **behavior analysis** and are not specific to one population. Practitioners who are certified by the BACB are then able to work with a multitude of populations. Many of my colleagues and peers work in various areas such as the juvenile justice system, behavioral pediatrics, behavioral medicine, and organizational behavior management. As stated in their mission, QABA’s Credentialing Board provides certifications that are focused on one population (i.e., autism). The principles and concepts of behavior that make up the foundation of our field are intended to improve socially significant behavior across all individuals. If we limit the practice of behavior analysis to the field of autism, we will limit the impact licensed behavior analysts can make throughout the Commonwealth of Virginia.

It is for the reasons shared above that I oppose the Petition and believe that consumers in Virginia will be best protected by keeping the regulation as is and requiring only BACB Certification for licensure.

Sincerely,

A handwritten signature in cursive script that reads "Shantel Pugliese". The signature is written in black ink on a white background. Below the signature is a horizontal line.

Shantel Pugliese, M.S., BCBA, LBA



Virginia Association for Behavior Analysis

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April 13, 2022

Virginia Department of Health Professions,
Board of Medicine
Perimeter Center
9960 Maryland Drive, Suite 300
Henrico, Virginia 23233

Attention: William L. Harp, MD

RE: Public Petition for Rulemaking:
Certification for Licensure as Practitioners of Behavioral Analysis

Dear Dr. Harp:

We are writing in connection with the above-referenced petition, which requests the Board “[t]o remove the specific requirement for BACB [Behavior Analyst Certification Board] Certification and accept certification from an entity that is nationally accredited to certify practitioners of behavior analysis.” The Virginia Association for Behavior Analysis (“VABA”) opposes the Petition because it is not in the public interest and will likely cause confusion among individuals seeking applied behavior analysis services. VABA urges the Board to keep the current requirements in place without modification. The alternative credentialing program proposed by the petitioner — the Qualified Applied Behavior Analysis Credentialing Board (“QABA”) -- is not as rigorous as the programs currently required by Virginia law. The proposed credentialing program focuses on only a subset of behavior analysis practices and one population served by behavior analysts, and the proposed credentialing entity does not have the transparency and accountability of the BACB, the entity whose certifications are currently accepted as qualification for licensure to practice behavior analysis in Virginia. (see below).

VABA is a 501(c)(6) non-profit professional association organized in the Commonwealth of Virginia to promote and support the practice, research, and dissemination of behavior analysis throughout the Commonwealth. Its goals include strengthening the diversity and cultural competence within VABA and the behavior analysis profession across the Commonwealth and advocating for the science of behavior analysis in the Commonwealth.

18 VAC 85-150-60, which sets forth the current requirements for licensure of behavior analysts in Virginia, states:

18VAC85-150-60. Licensure requirement.

An applicant for a license to practice as a behavior analyst or an assistant behavior analyst shall hold current certification as a BCBA® or a BCaBA® obtained

Amanda Randall, *President*; Shantel Pugliese, *Secretary*; Jennifer Wade, *Treasurer*
Ting Bentley, Tiffanie Johnson, Elizabeth Matthews, Keven Schock, *Members at Large*
Dallas Reynolds, *Student Member Rep.*



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by meeting qualifications and passage of the examination required for certification as a BCBA® or a BCaBA® by the BACB.

That Board of Medicine regulation requires applicants for licensure to meet the qualifications established by and pass the examination required by BACB. The BACB is an independent non-profit corporation organized under Section 5.01(c)(3) of the United States Internal Revenue Code for the specific purpose of credentialing behavior analysts, including establishing educational and experiential standards for behavior analysis and serving to protect the public through the provisions of standards for the practice of behavior analysis. The BACB's certification programs are accredited by the National Commission for Certifying Agencies ("NCCA"), the accreditation body of the Institute for Credentialing Excellence. NCCA's standards for the accreditation of certification programs were the first standards developed for professional certification programs to help ensure the health, welfare, and safety of the public. The Petition seeks to revoke that requirement and have the Board of Medicine accept certifications issued by the QABA Board as qualification for licensure or other unspecified organizations.

As set forth in the attached "Position on Credentials to serve as Qualification for Licensure to Practice Behavior Analysis in Virginia," (Exhibit A) VABA believes the credentials issued by the BACB should remain the only certifications that are accepted as qualification, at this time, for licensure to practice behavior analysis in the Commonwealth because (i) the BACB's stated mission is to protect consumers of behavior analysis services; (ii) the BACB's governance structure -- including its bylaws, policies, and procedures -- is transparent and readily available to regulators and the general public; and (iii) in setting the eligibility requirements and contents of the examinations required to obtain its certifications, the BACB has used the same standards and procedures as most professions, and its certification requirements (degrees, coursework in the subject matter, passage of a professional examination in the subject matter) parallel requirements for licensure in many professions. As with other professions, the BACB certifications are in the practice of behavior analysis with any clients or service recipients. At present there is no other entity that operates certification programs in the practice of behavior analysis that are equivalent or comparable to the BACB's programs.

Unlike the BACB and the certifying entities whose credentials are accepted as qualification for licensure in several other professions regulated by the Board of Medicine, the QABA Board is not an independent nonprofit organization; rather, it appears to be operated under the auspices of a privately held for-profit autism services company, though that is not disclosed on its website or in its materials. Although the names of QABA board members are published on its website, neither its ownership, structure, governing policies, nor detailed procedures it followed to determine the eligibility and other requirements for obtaining its certifications are readily available publicly, and its certification programs are not accredited by the NCCA. Information on its website shows clearly that the certifications issued by the QABA Board are in autism intervention.

In addition to the manner in which the two organizations are structured, the standards established by the BACB for obtaining and maintaining its certifications are substantially more

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Ting Bentley, Tiffanie Johnson, Elizabeth Matthews, Keven Schock, *Members at Large*
Dallas Reynolds, *Student Member Rep.*



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rigorous than those imposed by QABA. The BACB requires applicants for certification to complete specific coursework in the full array of concepts, principles, and procedures involved in the practice of behavior analysis, either as part of a graduate program accredited by the nonprofit Association for Behavior Analysis International ("ABAI") or a course sequence that has been verified by ABAI to meet BACB certification coursework requirements. In contrast, QABA accepts "coursework" from non-university sources that are not accredited by any professional association or other accrediting body. Additionally, course content in areas other than behavior analysis is required. For example, 20 of a required 270 hours of approved coursework is specific to autism. The BACB also requires significantly more supervised practical training in behavior analysis than does QABA. A comparison of QABA and BACB certification requirements and organizational structures and operations is attached to this letter (Exhibit B).

Consistent with its mission to serve behavior analysts in Virginia and to support and protect the public, VABA opposes the Petition and believes the public is best served by keeping 18 VAC 85-150-60 as is, i.e., maintaining the BACB as qualification for licensure for behavior analysts and assistant behavior analysts in Virginia, as no other organization meets the standards expressed in this letter at this time.

Please contact Christy at admin@virginiaaba.org or 804-723-1182 with any questions.

Very truly yours,

Ting Bentley, BCBA, LBA
At-large Representative, VABA

Brian Phelps, BCBA, LBA
Committee Member, VABA

Justin Creech, BCBA, LBA
Committee Member, VABA

Shantel Pugliese, BCBA, LBA
Secretary, VABA

Christine D. Evanko, BCBA, LBA
Administrative Director, VABA

Dr. Amanda Randall, BCBA-D, LBA
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Einar Ingvarsson, BCBA, LBA
Committee Member, VABA

Dallas Reynolds
Student Representative, VABA

Elizabeth Matthews, BCBA, LBA
At-large Representative, VABA

Dr. Katherine Robinson, BCBA-D, LBA
Committee Member, VABA

Eli Newcomb, BCBA, LBA
Committee Member, VABA



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Position on Credentials to Serve as Qualification for Licensure to Practice Behavior Analysis in Virginia

The Virginia Association for Behavior Analysis (VABA or VirginiaABA) is the professional organization for behavior analysts in the Commonwealth of Virginia. Based on best practices in professional credentialing as well as our profession's ethical and practice standards, it is VABA's position that certifications and other credentials should be accepted as evidence of qualification for licensure to practice behavior analysis in this state only if they are issued by a non-profit credentialing organization that has all of the following features and safeguards:

- A mission to protect consumers of behavior analysis services by establishing professional standards of practice
- Published, publicly available bylaws, standards, and procedures
- A governing body (typically a Board of Directors) whose voting members are
 - Unpaid
 - Credentialed (certified and/or licensed) behavior analysts representing the range of practitioners in the field and 1-2 consumers of behavior analytic services
 - Selected or elected in accordance with procedures specified in the bylaws
 - Independent of any other organizations or entities in making decisions about the organization's credentialing programs
- Key leadership personnel who are credentialed professional behavior analysts
- A well-established track record in managing credentialing programs for practitioners of behavior analysis
- Credentialing programs that are accredited by the National Commission for Certifying Agencies (NCCA) of the Institute for Credentialing Excellence or American National Standards Institute. Accreditation by the NCCA is preferred because that organization
 - Was the first to develop standards for professional certification programs
 - From its inception in 1977, designed its standards to (a) ensure the health, welfare, and safety of the public; (b) to be consistent with the Standards for Educational and Psychological Testing; and (c) to be applicable to all professions and industries
 - Requires certifying bodies to demonstrate that they are free of undue influence from any other body and are autonomous in making decisions about certification activities
 - has been accrediting professional credentialing programs in behavior analysis and similar professions for many years.
- Requirements and standards for each credential that have been derived from job (or occupational) analysis studies that



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- Involved subject matter experts in behavior analysis and psychometrics (test construction) and large numbers of practitioners of behavior analysis
- Were designed to identify the knowledge, skills, and abilities (KSAs) required to practice behavior analysis generally, not with any specific client or service recipient population(s) or in any specific settings
- Were conducted in accordance with standards and procedures that are widely accepted and followed by other similar professions
- Resulted in a comprehensive list of KSAs (often called a task list) that is publicly available
- Are published and available to the public
- Credentialing requirements set by the organization's governing body that include
 - Completion of a degree or degrees
 - Successful completion of specified coursework in behavior analysis
 - Successful completion of specified experiential training in delivering behavior analytic services to clients under the supervision of credentialed professional behavior analysts
 - Passage of an objective, valid, and reliable professional examination in behavior analysis that is derived from the applicable job analysis study and managed in ways that assure the security of exam items, administrations, and results
 - Continuing education in behavior analysis to maintain the credential
 - Adherence to ethical and disciplinary standards that have been developed by professional behavior analysts, are publicly available, and are enforced by the organization in accordance with publicly available procedures

The Behavior Analyst Certification Board (BACB) meets all of the foregoing criteria. It has been operating programs to credential practitioners of behavior analysis since 1998 and has conducted and published several job analysis studies. Its programs to certify practitioners at the paraprofessional, bachelor's-degree assistant, and advanced-degree independent practitioner levels are accredited by the NCCA. At present the BACB is the only entity with accredited programs for credentialing individuals to practice behavior analysis generally, without limitation or reference to any specific population(s) of service recipients, settings, funding sources, or the like. Those features as well as the requirements for the assistant and independent professional credentials parallel requirements for licensure in many other professions. The credentials issued by the BACB therefore constitute sound, legally defensible qualifications for licensure to practice behavior analysis professionally in this state.



Virginia Association for Behavior Analysis

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References

American Educational Research Association.

<https://www.aera.net/Publications/Books/Standards-for-Educational-Psychological-Testing-2014-Edition>

Association of Professional Behavior Analysts (2018). *Guidelines for evaluating credentials in the practice of applied behavior analysis.*

https://cdn.ymaws.com/www.apbahome.net/resource/collection/1FDDBDD2-5CAF-4B2A-AB3F-DAE5E72111BF/APBA_Guidelines_EvaluatingCredentials_180906.pdf

Behavior Analyst Certification Board. www.bacb.com

Institute for Credentialing Excellence (2010). *Defining features of quality certification and assessment-based certificate programs.* Available for downloading at <https://www.credentialingexcellence.org/page/certificate-vs-certification>

NCCA Accreditation. <https://www.credentialingexcellence.org/page/ncca>

Comparison of Certifications Issued by Behavior Analyst Certification Board and
Qualified Applied Behavior Analysis Credentialing Board

Certifying body	Behavior Analyst Certification Board (BACB; bacb.com)	Qualified Applied Behavior Analysis (QABA) Credentialing Board (qababoard.com)
Type of organization	Independent 501(c)(3) nonprofit https://www.bacb.com/about/	Not shown on website, which describes the entity as an “agency” with an address in Utah (https://qababoard.com/about/). No organization by that or a similar name comes up in a search of the Utah Division of Corporations and Commercial Code Business Search (https://secure.utah.gov/bes/index.html). A search for Qualified Applied Behavior Analysis Credentialing Board in the US Patent and Trademark Office trademark database (https://www.uspto.gov/trademarks/search) reveals that the owner is Elevated Autism Services Team, LLC with a California address. A search for that company on the CA Secretary of State Business Search reveals that it is a private, for-profit out-of-state Limited Liability Corporation. Recent filings show an agent, but the owner is not identified.
Structure and functions of governing board	Volunteer Board of Directors, elected by certificants in accordance with bylaws published on website . Currently 10 Directors are credentialed practitioners of behavior analysis; 1 is a consumer. https://www.bacb.com/about/bacb-governance/	Board of Directors shown on website have a variety of backgrounds. No bylaws or other policies governing election, selection, or operations of the Board are available on the site. https://qababoard.com/leadership/
Certification for individuals with at least a master’s degree	Board Certified Behavior Analyst® (BCBA®) https://www.bacb.com/bcba/	Qualified Behavior Analyst (QBA)
Certification program accredited by	National Commission for Certifying Agencies (NCCA) https://www.bacb.com/about/#Accreditation	American National Standards Institute (ANSI) National Accreditation Board (ANAB) https://qababoard.com/about/

<p>Report of recent job or occupational analysis study for this certification</p>	<p>https://www.bacb.com/wp-content/uploads/2020/05/January2017-newsletter-200828.pdf Also see published reports of previous studies at https://www.bacb.com/about/bacb-resources/</p>	<p>Not found on website or in publications</p>
<p>Task list/exam content for this certification</p>	<p>https://www.bacb.com/wp-content/uploads/2020/08/BCBA-task-list-5th-ed-211019.pdf</p>	<p>Not found on website</p>
<p>Current certification eligibility requirements</p>		
<p>1. Education</p>	<p>Four pathways: (1) degree from a master’s or doctoral program accredited by the Association for Behavior Analysis International (ABAI) + supervised fieldwork in behavior analysis; or (2) graduate degree from an institution in the US that is listed in the Council for Higher Education Accreditation database or institutions outside the US whose degrees meet certain requirements + coursework and supervised fieldwork in behavior analysis; or (3) graduate degree from an institution in the US that is listed in the Council for Higher Education Accreditation database or institutions outside the US whose degrees meet certain requirements + at least 3 years in a full-time faculty position in behavior analysis + supervised fieldwork in behavior analysis; or (4) doctoral degree conferred at least 10 years ago from an institution in the US that is listed in the Council for Higher Education Accreditation database or institutions outside the US whose degrees meet certain requirements + at least 10 years of postdoctoral experience in behavior analysis + 500 hours of supervised fieldwork in behavior analysis.</p>	<p>Minimum of a master’s or higher degree from an accredited university for higher education.</p>
<p>2. Coursework</p>	<p>315 hours of coursework in behavior analysis, not specific to any client population(s), setting(s), etc. Course content must cover (a) BACB Ethics Code and Code-Enforcement System; Professionalism; (b) Philosophical Underpinnings; Concepts and Principles;</p>	<p>270 hours or 18 semester credits of coursework in ABA, psychology, special education, or a related field, including 8 hours of “supervision coursework.” Minimum of 5 hours must be in ethics and minimum of 20 hours must be in autism core knowledge. Other content</p>

	<p>(c) Measurement, Data Display, and Interpretation; Experimental Design; (d) Behavior Assessment; (e) Behavior-Change Procedures: Selecting and Implementing Interventions; and (f) Personnel Supervision and Management.</p> <p>Coursework must be completed in an ABAI-accredited university degree program, an ABAI Verified Course Sequence, or via other university courses approved by the BACB.</p>	<p>areas are Legal, Ethical and Professional Considerations; Core Principles of ABA; Antecedent Interventions; Skill Acquisition; Behavior Reduction; Data Collection Analysis; Assessment; Training and Supervision</p> <p>https://qababoard.com/qualified-behavior-analyst-credential/</p> <p>https://qababoard.com/wp-content/uploads/QBA-Competencies-Worksheet-January-2022.pdf</p> <p>Coursework may be obtained from providers approved by QABA, which include a mix of private companies, some behavior analysis organizations, and some universities. No information about accreditation of those providers, degree programs, or courses by an external 3rd party could be found on the website.</p>
<p>3. Supervised fieldwork</p>	<p>For education pathways 1 – 3, 2000 hours with 5% oversight or 1500 hours with 10% oversight. For pathway 4 (doctoral degree), 500 hours.</p> <p>Supervisor must be either (a) an active BCBA without current disciplinary sanctions who has been certified for at least one year and meets an ongoing supervision CEU requirement; or (b) an active BCBA without current disciplinary sanctions who has been certified for less than one year and is receiving consultation on a monthly basis from a qualified consulting supervisor; or (c) a licensed or registered psychologist certified by the American Board of Professional Psychology in Behavioral and Cognitive Psychology who was tested in applied behavior analysis; or (d) an authorized Verified Course Sequence instructor. All supervisors must complete</p>	<p>1500 hours with 5% oversight. 900 hours must be in “supervisory role or program development. “Up to 600 hours may be 1:1 direct care, but direct care hours are not necessary...” (https://qababoard.com/wp-content/uploads/QABA-Supervision-Log-January-2022.pdf).</p> <p>Supervisor may be a QBA, “Certified Behavior Analyst from an accredited certifying body,” or “...a licensed practitioner within the scope of ABA” (https://qababoard.com/qualified-behavior-analyst-credential/).</p>

	<p>an 8-hour supervision training before supervising fieldwork for candidates. For additional details (e.g., acceptable supervision activities, documentation requirements), see https://www.bacb.com/supervision-and-training/</p>	
4. Examination	<p>Pass computer-based exam in behavior analysis administered and proctored by Pearson VUE at secure testing centers. The exam comprises 185 multiple-choice questions, 10 of which are unscored.. Candidates have 4 hours to complete the examination. Content areas examined are outlined in the job task analysis cited above and mirror those listed under Coursework above. For additional information, see https://www.bacb.com/examination-information/</p>	<p>Pass exam taken in applicant’s home or work place on their computer, proctored by Examity. The examination consists of 125 questions. 100 questions are live and scored; 25 pretest questions are not scored. Candidates have 3 hours to complete the exam.</p> <p>https://qababoard.com/taking-examinations/</p>
5. Continuing education required to renew certification	<p>32 continuing education units (CEUs) issued by BACB- authorized providers each 2-year recertification cycle. Must include 4 CEUs in ethics and for approved supervisors, 3 CEUs in supervision. Requirements for authorized CE providers are at https://www.bacb.com/authorized-continuing-education-providers/</p>	<p>32 CEUs issued by approved or non-preapproved providers (presenters in a “related field”) each 2-year recertification cycle. A minimum of 3 hours must be in ethics. https://qababoard.com/renewal/ Requirements for approved CE providers are at https://qababoard.com/become-an-approved-continuing-education-provider/</p>
Ethics and disciplinary procedures	<p>All BCBA’s must comply with the Ethics Code for Behavior Analysts. That code and enforcement procedures can be found at https://www.bacb.com/wp-content/uploads/2020/08/BCBA-task-list-5th-ed-211019.pdf. Disciplinary actions taken by the BACB are posted at https://www.bacb.com/wp-content/uploads/2020/08/BCBA-task-list-5th-ed-211019.pdf A history of the development of the Ethics Code and extensive resources are available at</p>	<p>Must agree to work under QABA Code of Ethics</p> <p>https://qababoard.com/qualified-behavior-analyst-credential/</p> <p>https://qababoard.com/wp-content/uploads/Code-of-Ethics-03-25-21.pdf</p> <p>No information about disciplinary actions taken by the QABA Board or the development of its code of ethics could be found on the website.</p>

	https://www.bacb.com/ethics-information/ethics-resources/	
Details provided in	BCBA® Handbook https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_220110.pdf	https://gababoard.com/wp-content/uploads/QBA-Candidate-Handbook-March-2022.pdf

PUBLIC COMMENT

TO: William Harp, MD
Executive Director, Virginia Board of Medicine
william.harp@dhp.virginia.gov

Erin Barrett
Senior Policy Analyst
erin.barrett@dhp.virginia.gov

FROM: Eli Newcomb, M.Ed., LBA, BCBA
Director of Education & Research
The Faison Center

DATE: April 11, 2022

RE: Petition titled "Certification for licensure as practitioners of behavior analysis" filed 2/16/2022 and posted on Virginia Regulatory Townhall:
<https://townhall.virginia.gov//viewpetition.cfm?petitionid=359>

In response to the petition surrounding requirements for licensure as a behavior analyst, I am in touch to recommend the Virginia Board of Medicine vote against this petition, for reasons I will outline below. First, some brief background information and context:

I was one of the (4) behavior analyst members of the workgroup convened to assist this very board in developing regulations for the licensing of behavior analysts in Virginia, per HB 1106 in 2012. At that time, our workgroup was in receipt of considerable input, including a few points of contention, none of which are material to this petition. Of note, however, is that the specific inclusion of the Behavior Analyst Certification Board® (BACB) was not one of the sources of contention. To the best of my knowledge, other bodies certifying behavior analysts did not come along until 2012/2013, a couple of which I am aware of at present.

In addition to my work in Virginia—in the areas of specialized education, autism and intellectual disabilities, and behavioral research I would also bring to your attention that I was elected by my peers to the BACB's Board of Directors and served a three-year term spanning 2016-2019. I have also served as a volunteer Subject Matter Expert for the BACB. I share this for two reasons: (1) disclosure of such relationships, potential conflicts of interest, etc. are considered best practice within my field, along with many other fields; (2) this process, including stakeholders, should be promoting transparency and for reasons I will outline later, lack of transparency is one of my primary concerns with this petition.

My four concerns with the petition are as follows:

- (1) The licensing of a subspecialty is problematic: My profession is comprised of multiple subspecialties such as Autism and Intellectual/Developmental Disabilities, Behavioral Gerontology, Behavioral Pediatrics, Behavior Analysis in Sports, Brain Injury Rehabilitation, Clinical Behavior Analysis, Education, Health and Fitness, Organizational

Behavior Management, Prevention/Intervention in Child Maltreatment, Sustainability, and the Treatment of Substance Use Disorder. In performing research related to the merits of this petition I became more familiar with two other accredited entities that credential behavior analysts. The first is the *Behavioral Intervention Certification Council* (BICC) and the second is the *Qualified Applied Behavior Analyst Certification Board* (QABA).

In referencing BICC's website, "The mission of BICC is to enhance public protection by developing and administering a certification program consistent with the needs of behavior analysts to recognize individuals who are qualified to treat the deficits and behaviors associated with **autism spectrum disorder** [emphasis added] using the principles and procedures of applied behavior analysis." Similarly, the stated mission of QABA reads as follows: "The Qualified Applied Behavior Analysis Credentialing Board (QABA) is an agency whose mission is to establish the highest standard of care and empower all professionals who provide behavioral intervention services to **individuals with autism spectrum disorders and related disabilities** [emphasis added]. Through access, transparency, and dedication to best practice, QABA provides all communities opportunity for consistent high-level care."

I believe the Board of Medicine would encounter tremendous administrative difficulties as ambiguity with practice oversight if it were to license a broad discipline when certification in one subspecialty becomes accepted. While there may be exceptions, I am not aware of professions within healthcare or human services in which narrow certification allows for a path to broad licensure. Furthermore, I believe that such an allowance for the licensing of behavior analysts in Virginia would have detrimental effects to our discipline overall and, more importantly, the protection of consumers.

(2) Standards of other credentialing boards do not appear to meet or exceed what we currently have through the Behavior Analyst Certification Board. Given QABA appears to be promoting this petition, I will cite just a few comparative examples between them and current/BACB standards and regarding the master's level credentials:

- a. The required coursework hours are approximately 17% greater with the BACB's credential (315 hours vs. 270).
- b. While the BACB requires a candidate's coursework to be taken through a verified university sequence or accredited university program (both through the *Association for Behavior Analysis International*), I have been unsuccessful in locating a similar or parallel process with QABA.
- c. Regarding the coursework hours themselves, the BACB requires these to be behavior analytic and according to QABA's website, they also accept "...psychology, special education, or a related field" within the 270 required hours.
- d. The BACB's requirements for supervised fieldwork hours are 33% greater (2000 hours vs. 1500).
- e. For test security, the BACB administers examinations to BCBA and BCaBA candidates **in-person** using *Pearson VUE*. In contrast, QABA administers examinations in the candidate's home using *Examity*, which I speculate is less secure.

- (3) Entities certifying behavior analysts must have the controls we can rely on through non-profit status and for-profit alternatives come at the cost of transparency. There are several reasons I remain committed to keeping non-profit status a mainstay in behavior analysis credentialing; here are what I view to represent the most crucial:
- a. Unlike non-profit entities whose revenue is reinvested into the interests and mission of the company, for-profit entities are designed to generate profits for the owners, investors, and, when applicable, shareholders. It is of great concern to me when revenue rather than consumer protection is the first priority.
 - b. Ownership may be unknown, difficult to determine, or ambiguous. When this is the case, potential conflicts of interest are difficult to determine and/or may not be disclosed. For instance, what if the owner of a for-profit credentialing company simultaneously owns or has a leadership position in a human service company that employs and must regularly hire new behavior analysts?
 - c. The BOM and the general public will not be able to appraise what ownership's motivations are and whether they are in the best interest of consumers and our profession.
 - d. The BOM and the general public will be unaware of any future sale of the for-profit entity, to whom, and what future ownership's interests are.
 - e. For-profit status of certification boards within medicine, allied health professions, and human services is highly unusual and uncustomary. Behavior analysis is a growing field and I see no reason to deviate from this norm.
 - f. For-profit entities do not promote the same level of transparency we minimally expect from non-profit counterparts. There is no clearer example I can provide than to use this very petition and related town hall commentary to exemplify this point:
 - i. For as I performed my own research on QABA, I became aware that multiple QABA board members and the owner were promoting their alternative certification without any mention or acknowledgement of their affiliation, relationship, etc. The disclosure of such relationships and potential conflicts of interest is considered best practice within my field, along with many other fields. Why keep this information from the public?
 - ii. In addition, I also become aware that the petitioner recently founded and/or holds the title of Executive Director at a new certification company called the "Global Institute for Behavior Practitioners and Examiners." This company appears to have multiple aims, one of which is to, "Certify individuals in specialty areas of the behavioral sciences." This, again, points to a concerning lack of transparency and causes me to wonder about motivations and what consumer protections may be jeopardized if this petition were not opposed by the BOM.

- (4) Approving the petition and changing the regulation offers little or no benefit to balance the three costs outlined above. What are potential benefits? More providers for consumers who need behavior analytic services.

As with many other states in the U.S., the demand for licensed behavior analysts in Virginia remains high. The BACB continues to certify new professionals at a high rate

and the number of licensed behavior analysts and licensed assistant behavior analysts in Virginia now far exceeds 1,900. In contrast, there are very few QABA certified professionals in Virginia that would be eligible for a license. Recently I searched the QABA certificant registry and observed that there were 53 QABA certificants residing in Virginia. Forty-seven of the 53 were expired (most several years ago). Of the six holding active certifications, three were technicians, therefore only the remaining 3 would be eligible for a license if this petition were approved by the BOM. Amid multiple, serious concerns, it seems that the net benefit to the Virginia consumer base would be three new licensed behavior analysts in a pool nearing 2,000.

Lastly, when our workgroup was set to the task of drafting regulations—a decade ago—and when I recently reoriented myself to the statute, I was reminded that the word “or” rather than “and” was used in reference to the certifying entity. The section I am referring to reads as follows:

“B. The Board shall establish criteria for licensure as a behavior analyst, which shall include, but not be limited to, the following: 1. Documentation that the applicant is currently certified as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board or [emphasis added] any other entity that is nationally accredited to certify practitioners of behavior analysis...”

From my point of view, the last decade of licensing behavior analysts in Virginia has been successful. We need a reputable, high quality, and accountable certifying entity—and we have one. We do not need multiple entities and the statute does not require it of the BOM. For all of these reasons, I respectfully ask the Board of Medicine to retain that regulation as written and vote against this petition. Thank you for your consideration of these points and my input.



Yeatts, Elaine <elaine.yeatts@dhp.virginia.gov>

VABA position paper in response to petitioner

2 messages

John Salay <john.salay@familyinsight.net>
To: "Yeatts, Elaine J. (DHP)" <Elaine.Yeatts@dhp.virginia.gov>

Mon, Mar 21, 2022 at 4:06 PM

Hi Elaine,

I hope you are doing well. I was told that you were accepting correspondence in regards to the petition pasted below because of the personal nature of the petitioner's rebuttal comments. If not, please let me know and I will post this. Family Insight, as one of the largest providers of ABA services in VA, strongly supports the attached VABA position paper. If the petition is successful, it will be very disruptive and work against the board's mission to serve and protect the public.

Best regards,

Public Petition for Rulemaking: Certification for licensure as practitioners of behavior analysis

[View petition details](#)

◆ In Progress! Opened on 3/14/2022 and closes at 11:59pm on 4/13/2022

John Salay, LCSW



Chief Compliance Officer
Director of Government Affairs and Advocacy

cell: 804-405-6055
fax: 804-658-4255

2820 Waterford Lake Drive
Suite 102
Midlothian, VA 23112



Credentials for Licensure Position Statement.docx
28K

Yeatts, Elaine <elaine.yeatts@dhp.virginia.gov>
To: John Salay <john.salay@familyinsight.net>

Mon, Mar 21, 2022 at 4:13 PM

John

3/21/22, 4:14 PM

Commonwealth of Virginia Mail - VABA position paper in response to petitioner

Thank you for the comment. It will be included with comments given to the Board.

[Quoted text hidden]

--

Elaine J. Yeatts
Senior Policy Analyst
Department of Health Professions
(804) 367-4688



Agency

Department of Health Professions

Board

Board of Medicine

Chapter

Regulations Governing the Practice of Behavior Analysis [18 VAC 85 - 150]

123 comments

 All good comments for this forum [Show Only Flagged](#)
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Commenter: Anonymous

3/16/22 1:11 pm

Include QABA Credentialing parallel to the BACB

The Qualified Applied Behavior Analysis Credentialing Board (QABA) has international accreditation through the American National Standards Institute (ANSI), the golden standard for accreditation.

I agree with the amended language to state that a "certifying body is an entity nationally accredited by ANSI or the NCCA". Many other states have this included in their language including New Jersey, Texas, and others. If you include the name and certifications of the BACB, then QABA and its certifications should be named too, to prevent a monopoly.

QABA certifications and exams have gone through psychometric processes after being created by subject matter experts. Annual analyses of these exams are performed by a psychometrician to confirm reliability and validity. A rigorous annual surveillance (audit) is performed by ANSI to confirm QABA continues to meet the standards for continued accreditation.

CommentID: 120781

Commenter: Autism Business Association

3/16/22 1:58 pm

We support equal and fair criteria for ABA licensing

Greetings, I am the executive director of the non profit called the Autism Business Association that represents ABA providers nationally and we strongly support providers using accredited certifications with the BACB and QABA Board. National Accreditation is a fair and equally rigorous criteria which is recognized in most state licensing as the criteria. The licensing statutes are for NCCA and ANSI accredited ABA certifications.

CommentID: 120782

Commenter: ABSI

3/16/22 2:08 pm

QABA State License

We support the state measure that is considering adding the QABA for their state license.

CommentID: 120783

Commenter: Michael Moates, MA, QBA, LBA, QMHP-T, Ed.D. Candidate

3/16/22 2:23 pm

**Global Institute for Behavior Practitioners and Examiners (Non-Profit Organization)
Comment**

Global Institute for Behavior Practitioners and Examiners

Michael Moates, MA, QBA, IBA, LBA, QMHP-T/R

14 March 2022

SUBJECT: MEMORANDA FOR VIRGINIA BOARD OF MEDICINE ON BEHAVIOR ANALYSIS LICENSING

To whom it may concern:

My name is Michael Moates, and I am the individual who wrote to the Board of Medicine to request the rule change that is currently open for comment. I am also the founder of the non-profit organization the Foundation for Transformation DBA Global Institute for Behavior Practitioners and Examiners. I am writing you today to share my comments regarding the requested change in 18VAC85-150-50, and 18VAC85-150-60. To start, the rule is illegal and contrary to the statute. According to 54.1-2957.16, the Board of Medicine **"SHALL INCLUDE"** the following language "Documentation that the applicant is currently certified as a Board-Certified Behavior Analyst by the Behavior Analyst Certification Board or any other entity that is nationally accredited to certify practitioners of behavior analysis;" The boards current rules to not include this language as the statute legally requires. That means that the Board of Medicines rules is illegal under the statute. The same is true for the Board of Medicine Assistant Behavior Analyst rule.

But let's move on from the fact that the rule is illegal and talk about the problems not allowing other organizations who are accredited creates for the practice of behavior analysis:

- Most professions of mental health if not all are regulated by the states and not external certification boards. The top 6 mental health fields are medicine, psychology, counseling, social work, marriage and family therapy, and chemical dependency. While some states may require an applicant to pass a board exam, certification is not usually a requirement of licensure. But the BACB will not allow individuals to take their exam unless they plan to get certified. Further, the BACB is a monopoly that has engaged in anti-competitive behavior through collusion with the Association of Professional Behavior Analysts.
- The Behavior Analyst Certification Board and Association for Professional Behavior Analyst have a history of advocating against allowing other organizations who are accredited to certify behavior analysis claiming that they are Autism specific, but the Behavior Analyst Certification

Board posts data on its website showing the field of the practitioners it certifies. 72% of its certificants are practitioners in the field of Autism Spectrum Disorder and 10% choose not to identify. That leaves 12% of individuals to work in other fields. The BACB is a mainly Autism focused agency. This leaves very little room for individuals that want to work in changing behaviors of gambling, addiction, brain injury rehabilitation, correction and rehabilitation, and many other areas. It leaves no room for those interested in forensic behavior analysis, behavior analysis research, child abuse/welfare analysis, psychiatric/mental hospital behavior analysis, animal behavior, and many other areas. To put it into perspective here are the other fields tracked by the Behavior Analyst Certification Board:

Number of Behavior Analysts Certified by the BACB in the United States of America:

Physical Therapy - 39	Organizational - 365	Education - 6701
Policy - 49	Research - 19	Corrections - 49
Behavioral Science - 177	Intellectual Disability - 2734	Child Welfare - 99
Behavioral Training - 493	Higher Education - 642	Pediatrics - 458
Behavioral Analysis - 1762	Gerontology - 62	Addiction - BACB Doesn't Track
Behavioral - BACB Doesn't Track	Prevention Behavior - BACB Doesn't Track	Life Coaching - BACB Doesn't Track
Behavioral - BACB Doesn't Track	LGBTQ - BACB Doesn't Track	Learning Disability - BACB Doesn't Track
Behavioral - BACB Doesn't Track	Environment Preserv - BACB Doesn't Track	Security Analysis - BACB Doesn't Track

- The BACB is governed by a board of directors that would personally benefit from the restriction of behavior practitioners. Half of the board members own their own business or are in leadership positions at companies that would benefit from the lack of service providers because that would make them the go to choose.
- The BACB seeks to oust other qualified supervisors from supervising behavior technicians, assistant behavior analysts, and aspiring behavior analysts. While psychologists, psychiatrists, social workers, professional counselors, and other related fields retain the right to practice behavior analysis, the BACB does not recognize them as supervisors of behavior analysis. They recognize their certified BCBA's and their approved VC Instructors. But a psychiatrist at a mental health institution engaged in the reduction of maladaptive behaviors cannot supervise technicians according to the organization.
- Their ally and lobbying arm the Association of Professional Behavior Analysts is claims to "Representing the interests of appropriately credentialed professional and paraprofessional practitioners of applied behavior analysis" but really what they mean is we are here to advance the promotion the Behavior Analyst Certification Board and we will fight to block any other types

of certified practitioners. Their about us page reads like a propaganda advertisement for the BACB.

- The much more inspired Association for Behavior Analysis International seeks to work with and recognize various credentialing boards including the American Psychological Association, National Association of School Psychologists, Qualified Applied Behavior Analysis Credentialing Board, Behavioral Intervention Certification Council, and International Behavior Analysis Organization. The reality of it is the BACB has no intention of collaborating with the mental health community. They lack diversity shown by their closing off certification from the international community and unwillingness to work with other mental health fields. If we don't address this now it, they will continue to harm the field of behavior analysis.
- The BACB lacks diversity and is even getting worse at its standards for diversity. 85% of certificants are female with just over 13% of certificants as male. 0.38% are American Indian/Natives. 6.61% are Asian. 9% of Behavior Analysts are African American. 21% are Hispanic. This is a real problem for disadvantaged communities and people who prefer a male analyst in healthcare. The BACB used to certify analysts globally. The no longer do and are even cutting down on the international community. This means individuals who want to practice internationally will be unable to because they cannot under any circumstances become certified.
- The BACB advocates against other organizations who seek to certify behavior practitioners but let's look at who is in favor of adding additional organizations. These include the State of Hawaii Council on Developmental Disabilities, the Behavioral Intervention Certification Council, Hawai'i Psychological Association, Qualified Applied Behavior Credentialing Board, the Department of Defense, Hawaii Association of Marriage and Family Therapists, Center for Autism and Related Disorders, Autism Behavior Services on behalf of military families, and individuals concerned about providing supervision within their scope of practice. You can read 100's of comments here and below that is the policy of the Department of

Defense: [https://www.capitol.hawaii.gov/Session2017/Testimony/SB739_TESTIMONY_CPH_02-](https://www.capitol.hawaii.gov/Session2017/Testimony/SB739_TESTIMONY_CPH_02-24-17.PDF)

[24-](https://www.capitol.hawaii.gov/Session2017/Testimony/SB739_TESTIMONY_CPH_02-24-17.PDF)

[17.PDF](https://www.capitol.hawaii.gov/Session2017/Testimony/SB739_TESTIMONY_CPH_02-24-17.PDF)

- The BACB and APBA will attempt to mislead you into believing that requiring certification from one organization is routine, but this is entirely inaccurate. What is typically required is the passage of an examination by an organization. Unfortunately, the BACB is not like most organizations that offer examinations because they do not allow individuals to take the exam based on the federal or state government requirements nor do they allow individuals to take the exams without becoming certified by their agency. The BACB differs in this from other organizations such as National Board for Certified Counselors, Association of State and Provincial Psychological Boards, Association of Social Work Boards, International Certification and Reciprocity Consortium, Educational Testing Service, and many others. These cover Counseling, Psychology, Social Work, and Chemical/Substance Abuse, and School Psychology. These agencies are the leaders in mental health, and they allow individuals who are qualified to take their exams without requiring certification. In the case of Advanced Nurse Practitioners, there are multiple boards that are accepted for APRN practice.

It is with this consideration I ask you to approve my request that individuals certified as behavior analysts by NCCA or ANSI be allowed to use that certification to apply for licensure.

Very Respectfully,

Michael Moates, MA, QBA, IBA, LBA, QMHP-T/R
 Virginia Licensed Behavior Analyst
 Adjunct College Professor
 Doctor of Education Candidate
 Student Health Advisory Committee
 Senior Member, Civil Air Patrol, United States Air Force Auxiliary
 Certified Accreditation Evaluator, Distance Education Accreditation Commission
 CommentID: 120784

Commenter: B.Jaramillo, BCBA, QBA

3/16/22 2:33 pm

QABA Virginia State License

I support the state measure that is considering adding the QABA for their state license.

CommentID: 120785

Commenter: Dr. Rosa Patterson, QBA

3/16/22 2:49 pm

ADD QABA to Licensing for ABA

Greetings, My name is Dr. Rosa Patterson and I am a Qualified Behavior Analyst certified with the QABA. I am licensed across states and would support and encourage the addition of the QABA to licensure in the state of Virginia. In doing so would allow individuals the option to pursue licensure with the state of Virginia who are certified with the QABA and increase access to care for those in need of our behavioral services.

CommentID: 120787

Commenter: Eric Linder, Former CA Legislator

3/16/22 3:02 pm

Support for QABA Licensing

I'd like to encourage support for licensure for QABA.

Including licensure for QABA will help countless military families with behavioral health needs, and will prevent a monopoly for many behavioral services.

CommentID: 120788

Commenter: Jessica Swanson, MA, BCBA, QBA, LBA, CAS

3/16/22 3:10 pm

Approve "nationally accredited certifying body" verbiage

Amending the verbiage for behavior analysis licensure to include "nationally accredited certifying body" is important to consumer. With national shortages and wait list of providers across the country, allowing more than one board to certify is critical to ensure care is provided to those that need ABA.

CommentID: 120789

Commenter: Dr. Valencia Church-Williams, Ed.D, QBA, CAS

3/16/22 4:27 pm

Expand Opportunities for Service Provision for Clients & Their Families

Despite the rising prevalence of ASD (estimates at 1%> currently), there are still too few qualified providers, too few institutions providing the necessary course work, and too few credentialing entities to keep up with the exploding needs. Eliminating BACB's monopoly would open the practice to up to more qualified applicants with more diverse educational and professional experiences. We need to continue to hold practitioners to high standards of ethics, service delivery, and academic preparation, but we must debunk the myth that only institutions with "verified course sequences" know how to provide this preparation and that only the BACB knows how to assess applicants knowledge and proficiency for the practice. Just as there are multiple pathways to becoming credentialed in other professional fields, this should also hold true in behavior analytics. This would serve to expand exposure to the broader public about evidence-based practices, provide more qualified practitioners in the field, and more access to services, particularly to families in rural and remote communities.

CommentID: 120790

Commenter: Heather Smith, Autism Behavior Services Inc.

3/16/22 6:18 pm

Strongly Agree to Add QABA to Virginia

Greetings,

My name is Heather Smith. I am in strong support of adding the QABA to Virginia's approved providers. In doing so would allow individuals the option to pursue licensure with the state of Virginia who are certified with the QABA and increase access to care for those in need of our behavioral services. We know the access to care is facing limitation challenges, and opening up

the opportunity for additional Board Certified providers to license would greatly benefit those in need of essential medical services in behavioral health.

CommentID: 120793

Commenter: Beatriz Querol-Cintron, BCBA, LABA, QABA

3/16/22 8:18 pm

Support for other credentialing agencies (i.e., QABA)

This is to increase access for practitioners and foster the diversity, equity, inclusion initiative.

CommentID: 120794

Commenter: Home Link International Inc

3/16/22 9:41 pm

VIRGINIA PUBLIC COMMENT FOR LICENSING- INCLUSION OF QABA CREDENTIALING

ATTENTION:

William L. Harp, M.D.
Executive Director

Dear sir,

I am a holder of Qualified Behavior Analysis Credential, practicing the Science of Applied Behavior Analysis in the State of New Jersey write to support having the QBA/ QASP-S/ABA-Tech recognized parallel to the BCBA/ BCaBA/RBT and therefore should either

[i] be included in the licensing law like BACB or

[ii] amendment be made to the language for licensing in the state of Virginia to remove the BACB language and include the following: "nationally accredited certifying body" so QBAs would be included.

The QABA Task lists are comparable with that of BACB, Practicum supervision experience hours requirements are equivalent to that of BACB. Also, the Task Lists include additional requirements and emphasis on Autism. Above all, QABA credentialing LIKE THAT OF BACB is approved by ANSI.

Please do not hesitate to reach me should you have any questions. Email: Home-linkinc@itc-aba

Yours sincerely,

Dr. Usifo Edward Asikhia, QBA.

Home Link International Inc.

629 E. Wood Street Suite 205

Vineland NJ 08360

CommentID: 120796

Commenter: Misty Kieschnick

3/16/22 11:11 pm

This change is necessary to provide to the growing number of mental health and disability issues..

I am a teacher at our alternative discipline center and the growing expansion of challenges/disabilities exceed the narrow limit of BACB certification. As it stands now, there are such long wait lists and behavior can be used in a variety of fields. The diversity of qualified practitioners will allow for fields outside of Autism to received beneficial services.

I support the language of accredited bodies of behavior analysts.

CommentID: 120797

Commenter: Ira Heilveil

3/16/22 11:43 pm

End the monopoly!

It is fundamentally wrong for a single, specific certification body to monopolize the ability to obtain a license or practice in Virginia. Other boards exist that have even higher standards (for example, the QABA board is accredited by ANSI), and should be allowed an even playing field. Simply allowing the BACB to be the only certification board represents a guild mentality that should not work its way into Virginia regulations.

CommentID: 120798

Commenter: Theodore A. Hoch, Ed.D., B.C.B.A.-D., L.B.A.

3/17/22 6:56 pm

Great concern regarding the QABA credential - Part 1

I share with you an email exchange between Ms. Hollie Benincosa, Executive Director of the QABA Credentialing Board, and myself, from December 2021. I will gladly share the original emails with you at your request.

From Ms. Benincosa, on 30 December 2021:

Hello Theodore,

As QABA continues to grow both nationally and internationally, there is a great need for more coursework providers who offer the QABA coursework options to meet the demands of certification.

As a VCS provider for the BACB, I believe you already have a majority of the coursework to offer the Qualified Behavior Analyst (QBA), parallel to the BCBA; and the QASP-S, parallel to the BCaBA, for those seeking certification. Many students are researching universities and providers that have this coursework so they do not have to question their education and take supplemental coursework to meet the QABA standards. Being a QABA Coursework Provider is beneficial to both George Mason University and the students. Students will have the confidence to know that George Mason University provides the courses needed to become certified with QABA. Attached are the QBA Competency Standards along with the QASP-S standards.

As a Pre-Approved Coursework Provider, your university will be added to our ever growing list of approved providers for students. You may review this list of providers on our website at <https://qababoard.com/pages/qaba-community/>. QABA also markets new providers on our social media as Spotlight Providers (Facebook, Instagram, and LinkedIn).

Since the BACB has pulled out of the international credentialing program, many students are contacting QABA since we are the only internationally accredited credentialing board for applied behavior analysis. With accreditation through ANSI, who meets the ISO 170124 standards, we have certificants in more than 29 countries (and growing)! Certificants in various countries,

including the US, can move to another country and know that their certificate is recognized worldwide.

To review the requirement to become a QABA Pre-Approved Coursework Provider, please visit our website at <https://qababoard.com/guidelines-for-abat-or-qasp-coursework-providers/>. The initial application fee is \$200 USD with an annual renewal fee of \$100 USD.

If you would like any additional information or have questions, please do not hesitate to contact me.

Have a safe and wonderful New Year!
Hollie

My reply, from 30 December 2021:
Thank you -

I looked through the materials on your website and available at the links there. A couple of questions:

1) 3890 of the 5748 individuals listed as credentialed on your public registry either have expired credentials, or credentials that will expire on 1 January 2022. This means that effective 2 Jan 2022, 1858 individuals will hold active credentials through our organization. Is this correct?

2) In which states / countries would the QBA credential meet requirements for behavior analyst licensure?

3) On the bottom of the QABA Public Registry, there is a statement that ends with this line: "In addition, these individuals are providing behavior health services under the supervision of a certified professional or licensed professional with ABA or ASD in the scope of their field." Is this statement to be interpreted to mean that practitioners with QBA or other credentialing through your organization may not work independently, under their own credential, and must work under supervision of another professional?

4) It appears that most providers of coursework listed on your webpage are not university programs, but are private entities. Is this correct?

Thanks, and best wishes -

Ted Hoch

I received no reply.

I am greatly concerned with the puffery I saw that the QABA's website that day, and with the manner in which claims were made regarding number of credentialed folks. It appeared that a large number of those counted included parties whose credentials had expired and not been renewed.

I'm also concerned regarding the extent to which "training" is accepted to become a QABA, which is not university coursework, should my reading of their website on that date have been correct.

The required coursework and supervised experience needed to become a QABA is much less rigorous and has far less depth than that required to become a BCBA or BCABA. Indeed, the Board can view this for themselves by visiting the QABA's website (<https://qababoard.com/pages/qaba-community/>) and by visiting the BACB's website (www.bacb.com) and the Association for Behavior Analysis' website (www.abainternational.org - please review sections pertaining to Verified Course Sequences - VCSs - and Accredited Programs).

It is imperative to protect the citizens of the Commonwealth by ensuring that those providing behavior analysis services are adequately credentialed. I do not believe the the QABA credential is comparable to the BCBA or BCABA credential, and it should not be substitutable for either of those credentials for those seeking LBA or LABA licensure.

I will gladly forward the original email correspondence between Ms. Benincosa and myself to the Board, should the Board request.

CommentID: 120808

Commenter: Michael Moates, MA, QBA, LBA, QMHP-T, Ed.D. Candidate

3/17/22 10:30 pm

Response to Theodore A. Hoch, Ed.D., B.C.B.A.-D., L.B.A.

Let me start by saying that I think that if Dr. Hoch is going to post emails between himself and Executive Director Benincosa that he should publish all emails and give the full context. He posted a single email to fit his narrative without giving context.

But allow me to address something he/ Executive Director Benincosa stated:

- As QABA continues to grow both nationally and internationally, there is a great need for more coursework providers who offer the QABA coursework options to meet the demands of certification.
 - Mrs. Benincosa is absolutely correct. As each day goes by, the Behavior Analyst Certification Board becomes less and less diverse. They are pulling out of the international market, have **less than 6,500 BCBA's that are male, less than 200 American Indians, less than 3,000 African Americans, and have nearly 40,000 White Behavior Analysts.** (Behavior Analyst Certification Board, nd). Seen here: <https://www.bacb.com/bacb-certificant-data/> The fact that a professor from George Mason University is advocating against diversity is deeply troubling to me.
- QABA has done extensive research and has multiple board that work in conjunction with approval of course sequences. As a Virginia Licensed Behavior Analyst and Qualified Behavior Analyst by the QABA, I can tell you first hand that there is a rigorous process by which they evaluate all coursework that is consider for both the coursework for licensure and coursework for continuing education. Seen here: <https://qababoard.com/guidelines-for-abat-or-qasp-coursework-providers/> and here <https://qababoard.com/become-an-approved-continuing-education-provider/>
- Mr. Hoch asks about the number of individuals with expiring credentials. There are around 2,000 individuals certified and that is just QABA. My petition relates to any certified entities who are accredited to certify behavior analysts. There are an additional nearly 4,000 individuals certified by the Behavior Intervention Certification Council. Seen here: <https://behavioralcertification.org/search-registry/> Part of the reason the number of

credentials are expiring is due to the fact that the BACB has engaged in illegal anti-competitive behavior and formed a monopoly by lobbying across the United States.

- Mr. Hoch asks in what countries/states, the QABA certification would meet the requirements. Keeping in mind that there are still roughly 20 states that do not license behavior analysts these states have QABA practitioners. The Military Healthcare Service and Tricare recognize QABA as meeting certification to practice ABA and that is the same for many other insurance companies as well. Seen here: <https://manuals.health.mil/pages/DisplayManualHtmlFile/2021-03-26/AsOf/TO15/C18S4.html> Also, to Mr. Hoch's point, there is an issue of the BACB holding a monopoly over the practice of behavior analysis but again 85% of their certified are Autism practitioners leaving very little room for supervision in other areas with some even less than 50 supervisors in the United States. Seen here: <https://www.bacb.com/bacb-certificant-data/>
- Mr. Hoch asks about independent practice of Qualified Behavior Analysts but if he had done his due diligence like most scholars and professors do, he would have looked at the QBA standards which state "QBA certificants are mastery-level interventionists with advanced knowledge of applied behavior analysis (ABA) and have training and experience with individuals with autism spectrum disorders (ASD). QBAs provide program planning, assessment, data analysis and direct-care oversight for all aspects of behavior programs. Additionally, QBAs supervise the direct-care instructional staff (ABAT/behavior technicians), mid-tier supervisors (QASP-S), and collaborative care providers." The statement he is referencing is likely something that was inputted prior to the QBA creation. Can be seen here: <https://qababoard.com/qualified-behavior-analyst-scope/>
- He ask about the individuals who offer coursework for certification. QABA does not require you to be a university to teach coursework for the certifications and neither does the BACB. In fact, the RBT (offered by the BACB) is a 40 hour sequence taught by a BCBA similar to a QBA. Seen here: https://www.bacb.com/wp-content/uploads/2022/01/RBTHandbook_220112.pdf The BCaBA/BCBA coursework is limited to institutions listed in CHEA (United States **ONLY**). But, many of the CHEA members are not "university programs" as Mr. Hoch put it. In addition, in order to be a QBA, you have to have a Masters Degree that meets the educational requirements of 270 hours of coursework. As an adjunct professor myself, I can tell you that colleges and accreditation boards allow individuals at the Masters level to teach college classes. The benefit here is to allow individuals who live outside of the United States to have more opportunities to learn. In addition, QBA's have much diversity in teaching in native languages across the world whereas the BACB does not. Here is an example of the what makes up CHEA membership: Academy of Hair Design. Seen here: <https://www.chea.org/academy-hair-design> There is no way that you can tell me an organization like this is more qualified to teach behavior analysis than a Qualified Behavior Analyst with 1500 hours of experience, a masters or doctorate degree, and has passed a rigorous psychometric exam. To Mr. Hoch's point, why does the BACB allow non-accredited institutions to offer academic coursework for credit?
- It is interesting that Mr. Hoch invokes the name of the "Association for Behavior Analysis" presumably the Association for Behavior Analysis International which recognizes various other credentialing boards including QABA, BICC, IBAO, and various mental health fields. So I believe that argument is invalid. You can see that here: https://www.abainternational.org/media/188058/abaimembershipform_2022.pdf
- Mr. Hoch claims the requirements to become a "QABA" presumably "QBA" is less rigorous so lets compare them side by side:

Qualified Behavior Analyst	Board Certified Behavior Analyst
Qualified Applied Behavior Analysis Credentialing Board	Behavior Analyst Certification Board
Cost: Application \$350 Exam: Free Coursework Evaluation: Free Total \$350	Cost: Application \$245 Exam \$125 Coursework Evaluation \$100 Total is \$370 - \$470 ^[1]
Certification Countries: Certification is available globally Fully translated exams, documents, and applications are provided to diverse cultures	Certification Countries: Beginning in 2023 Certification is Limited to: US, Canada, Australia, and the United Kingdom Does not provide translated exams/documents
Education: Master's degree or higher	Education: Master's degree or higher Doctorate – for BCBA-D Designation
Recommendation from Supervisor to Be Certified	No Such Requirement
Completed Background Check	No Such Requirement
Coursework: 270 Hours in specific coursework Areas: 20 Hours Autism Spectrum Disorder 20 Hours Legal Professional and Ethics 20 Hours Core Principals of Applied Behavior Analysis 30 Hours Antecedent Interventions 40 Hours Skill Acquisition 30 Hours Behavior Reduction Interventions 30 Hours Data Collection Analysis 45 Hours Assessment 20 Hours Training and Supervision	Coursework: 315 Hours in specific coursework Areas: 45 Hours of Ethics/Professionalism 90 Hours Philosophical Underpinnings; Concepts & Principles 45 Hours Measurement, Data Collection 45 Hours Assessment 60 Hours Behavior Intervention 30 Hours Personnel Supervision and Management
Field Work Experience: 1500 Clock Hours (5% oversight) 750 Hours Must Be in Supervision/Oversight Role Supervision Conducted By: Qualified Behavior Analyst Board Certified Behavior Analyst Board Certified Behavior Analyst – Doctoral Licensed Behavior Analyst Other Licensed/Certified Professionals with Behavior Analysis in their Scope of Practice (Board Certified Psychologists, School Psychologists,	Field Work Experience: 2000 Clock Hours (5% oversight) 1500 Concentrated Clock Hours (10% oversight) 60% of Hours Must Be in “Unrestricted Activities” Supervision Conducted By: Board Certified Behavior Analyst Board Certified Behavior Analyst – Doctoral Board Certified Psychologist American Board of Professional Psychology in Behavioral and Cognitive Psychology Verified Course Sequence Instructor

Psychiatrists, Social Worker, Professional/Mental Health Counselors ^[2])	
Must Pass the Qualified Behavior Analyst Exam 3 Hours to Complete Exam 125 Questions 1.4 Minutes per question	Must Pass the Board-Certified Behavior Analyst Exam 4 Hours to Complete Exam 185 Questions 1.2 Minutes per question
Agreement to Follow Code of Ethics ^[3]	Agreement to Follow Code of Ethics ^[4]
Bi-Annual Renewal	2 Year Renewal Period
Renewal Requirements: 32 Continuing Education Units New Background Investigation	Renewal Requirements: 32 Continuing Education Units (4 in Ethics, 3 in Supervision) No Background Investigation
Program Accreditation: American National Standards Institute ^[5] (Affiliated with the United States Department of Education)	Program Accreditation: National Commission for Certifying Agencies (NCCA is Accredited by American National Standards Institute)
Recognition: Association for Behavior Analysis International Department of Defense	Recognition: Association for Behavior Analysis International Department of Defense

[1] There has been discussion that the BACB is a non-profit and QABA is not. Let me clarify that the BACB charges more and makes more of a profit than QABA.

[2] Having a diverse group of supervisors is important. ABA is not just Autism, it is used for developmental disabilities, behavior modification, etc... This includes prisons, psychiatric hospitals, schools, rehabilitation, organizational change, animal behavior and more...

[3] <https://qababoard.com/wp-content/uploads/Code-of-Ethics-03-25-21.pdf>

[4] <https://www.bacb.com/wp-content/uploads/2020/11/Ethics-Code-for-Behavior-Analysts-210902.pdf>

[5] [https://anabpd.ansi.org/Accreditation/FileServer.aspx?](https://anabpd.ansi.org/Accreditation/FileServer.aspx?Dirtype%20=%20Attachment&Id=182217&File=QABA%20Certificate.pdf&type=cert)

Dirtytype%20=%20Attachment&Id=182217&File=QABA%20Certificate.pdf&type=cert
If Professor Hoch is going to comment it would be beneficial if he at least did some basic scholarly research. Also, various times through out his comments, he references on "becoming a QABA." This is not a credential and a basic reading of the website would tell you that. QABA is the organization. ABAT is the technician level. QASP-S is the Bachelor Level. QBA is the Masters level.

I intend to file a Freedom of Information Act request to get the emails between Mr. Hoch and Mrs. Benincosa with George Mason University. I would ask the board to do the same or take Mr. Hoch on his offer to review all the emails. Manipulating emails by only posting one part of them to get what you want is not productive and it does not give the board a full picture.

There is no threat to the commonwealth unless the board continues to allow the BACB's lack of diversity to be dictator. Mr. Hoch would benefit from less providers because more individuals would see him at his practice. Seen here: <https://www.psychologytoday.com/us/therapists/theodore-a-hoch-reston-va/448748>

It is also important to note that at George Mason University where Mr. Hoch claims to represent their certificate, the one that he claims is designated for BACB certification and therefor licensure is actually listed as a "15-credit non-licensure certificate." The university does not even recognize the course sequence as one that should lead to licensure. You can see that here directly in there catalog: <https://catalog.gmu.edu/colleges-schools/education-human-development/school-education/applied-behavior-analysis-graduate-certificate/> and archived here:

<https://web.archive.org/web/20220122013237/https://catalog.gmu.edu/colleges-schools/education-human-development/school-education/applied-behavior-analysis-graduate-certificate/>

I think it is important to note a few things as well:

1. Mr. Hoch does not hold a degree or certificate in behavior analysis. Seen here: <https://cehd.gmu.edu/assets/files/cv/230.pdf>
2. The pathway by which he became a Board Certified Behavior Analyst does not require a single course in behavior analysis. Seen here as he does not have a degree/certificate in behavior analysis: https://www.bacb.com/wp-content/uploads/2022/01/BCBAHandbook_220110.pdf
3. Mr. Hoch's degrees in psychology were prior to any licensure requirements for behavior analysis so he got grandfathered in but would not qualify today and will not qualify in the future. Seen here: https://www.bacb.com/wp-content/uploads/2022/03/BACB_March2022_Newsletter-220316.pdf
4. Mr. Hoch has Licenses in Virginia Applied Psychologist and Virginia Licensed Professional Counselor. But he would not meet the licensing requirements for either of these licenses. All in all, Mr. Hoch only has his license due to grandfather clauses.
5. He has made misrepresentations on his post and can't even identify the credential he is talking about.

His comments must be disregarded.

Further the statute leaves no interpretation. The language in the statute "shall" be included in the rules.

There are also many issues of litigation to consider here:

1. Anti-trust monopoly.
2. EOC Violations.
3. Diversity Discrimination.
4. Finally, the challenging of the rule given the statute language.

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CommentID: 120810

Commenter: Emily Wilson, Blossom Behavioral Services

3/21/22 8:24 am

We owe it to service recipients to push for more rigorous requirements.

The QBA certification does not meet the standard for a Licensed Behavior Analyst in the state of Virginia. The current BCBA program standards--especially with regard to accruing supervised fieldwork--should be significantly more rigorous than they are in order to adequately protect consumers. A move to less stringent requirements is a step in the wrong direction when there is still work to be done to move practitioners in Virginia toward compassionate, thorough, and effective behavioral service delivery.

CommentID: 120829

Commenter: Caroline Salzman, BCBA, LBA

3/21/22 10:58 am

Do not allow QBA as a part of VA Licensure

A public and non-profit credentialing organization is essential to the integrity of Behavior Analysis as a discipline. The Behavior Analyst Certification Board requires the highest standards of its certificants to both obtain and maintain certification. Licenses are issued for the protection of the clients, consumers, students, and stakeholders that we serve. Any modification to the standards of licensure would threaten that protection.

CommentID: 120830

Commenter: Michael Moates, MA, QBA, IBA, LBA, QMHP-T

3/21/22 11:25 am

Reply to Caroline Salzman, BCBA, LBA

To be honest, this comment is not even worth the board's time. Mrs. Salzman doesn't attempt to address any concerns with adding the QBA to the boards requirements. She attempts to use shock words without any citations or facts to scare the Board of Medicine into not adding the QBA or following the **LEGAL STATUTE**. This is required by law and is not open for negotiation.

The QABA is a public board that is open to review by any public entity. It is accredited by ANSI who reviews its entire process for awarding certifications. It is so interesting that she claims the BCBA requires "high standards" that the QBA does not have when she does not attempt at all to lay these standards out for the board to review.

She says "Any modification to the standards of licensure would threaten that protection." Presumably she is referencing the BCBA standards. It is important to note that the standards are constantly changing. The BACB changed its standards as recently as January 2022 of this year. Further, let's talk about what is not healthy or safe for clients. The BACB has already announced its standards for certification for the year 2032 over 10 years from now. How is that healthy or safe when we don't know how the science of behavior analysis will evolve? That is an unsafe approach. The board should really consider whether this is the right approach. See: https://www.bacb.com/wp-content/uploads/2022/03/BACB_March2022_Newsletter-220316.pdf

CommentID: 120832

Commenter: Michael Moates, MA, QBA, IBA, LBA, QMHP-T, EdD Candidate

3/21/22 11:58 am

Further Reading with Quotes for the Board to Consider

"The BACB does not appear to have the money, staff, time, or legal authority to provide the necessary ethical oversight, especially with the literally thousands of members of the Association of Behavior Analysis International (ABAI) and/or BCBA's who practice both within the United States and around the world."

"To further complicate matters, the BCBA credential is not consistent with the generally accepted concept of board certification as recognized in the fields of medicine, psychology, and other human service professions."

See: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2854065/>

"One issue of regulatory concern is that often discussed in behavior analytic circles is that Behavior Analyst Certification Board (BACB) offers a national license. This is false. BACB is not licensing, nor could the BCBA ever be a national license for behavior analysts. Licensure falls under the states rights or powers. It is the prevue of each state to restrict trade within its

borders. United States v. Lopez, 514 U.S. 549 (1995) held that the federal government only has the right to create laws that effect interstate commerce."

The federal government recognizes QABA and BICC as certification boards of behavior analysis.

See: <https://www.abainternational.org/media/177713/luiselli.pdf>

"The BAMLA defines who a professional behavior analyst is, categorizing the knowledge, skills, experiences, and abilities. In addition, it clarifies that a behavior analyst is a person who functions within a particular scope of practice. Finally, it helps to define the profession within a scope of practice that highlights the uniqueness of applied behavior analysis. The BAMLA further specifies the common commitments to expect from a behavior analyst in adherence to an ethical code and generally accepted behavior analytic positioning papers."

"However, for a number of logistical reasons, the BACB can only enforce adherence to the Professional Disciplinary Standards, (not adherence to the Guidelines for Responsible Conduct) and it relies heavily on information from local responsible sources in reviewing allegations against certificants" (BACB). Thus, BCBA will not investigate most forms of impairment, for they are ethical issues."

See: <https://www.abainternational.org/media/177719/pritchard.pdf>

Something else that MUST be noted is that there appears to be no research on the BACB certification requirements outside of those who are certified by the BACB. Thus, all research completed is biased and must be evaluated for its implicit bias.

Also, for the record, I personally reached out to the BACB to seek their help in making sure that the standards represent everyone not just BCBA's and was ignored.

There are many complaints with regards to customer service because the BACB is not interested in engaging with its community but rather they seek to dominate the industry.

References:

<https://www.abainternational.org/media/177713/luiselli.pdf>

<https://www.abainternational.org/media/177719/pritchard.pdf>

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CommentID: 120833

Commenter: Anon

3/21/22 2:44 pm

Suggestion

I was directed to this form by my organization, and when reading through the comments I must say that this is akin to "insert unsavory word here" measuring contest. Personally, it isn't about which organization is handing out certifications, if singular or multiple - that's not important. What does matter is the consumers we serve, and for better or for worse, the BACB is leading the industry (at least in America), in terms of gold standard. That being the case, if QABA can demonstrate equivalent or superior standards, with evidence, then I see no qualms about also allowing them to practice within the state of Virginia. However, that's not to say that other boards won't try to do the same as I'm sure each of them purports a certain gold standard.

We do have a shortage of practitioners, and the consumers outnumber us a lot. Allowing other individuals with equivalent education/experience only expands our reach to our service population. I do not think however, this is something that can be voted on within a townhall meeting. There needs to be a review of processes and standards to ensure that QABA reaches the bar set forth by the industry.

To the individual who wrote about the lack of diversity within the BACB, I must say that I was not aware of this and I'm quite surprised by this. I'm even more curious to see the metrics of their exam and whether it is standardized from a stats perspective. I very curious about the representative sample they may have used. Then again, there several factors that may account for this discrepancy. But enough on that tangent.

Thanks -

Leozihno

CommentID: 120834

Commenter: Michael Moates

3/21/22 6:18 pm

Response to Anon

I wholeheartedly wish the goals for licensure were focused on does each certification meet the need for the field. Unfortunately, the BACB and its lobbying arm the APBA, are constantly making derogatory remarks regarding other certification boards including QABA and BICC. These statements require a factual based response and sometimes to defend we must show why the other board would not be a good fit as a standalone board.

The goal should be a collaborative community by which various entities participate and work together. Until the BACB recognizes, like Virginia, that Psychologists, Psychiatrists, and other medical/mental health supervisors are qualified to provide supervision we are going to continue running into this problem.

The BACB is a closed off wall and they do not collaborate well with others.

I do disagree with anon when it comes to the statement about reviewing the standards of QABA or BICC for that matter. That has already been done. ANSI and NCCA have certified that QABA and BICC, respectively, meet the standards to issue certifications. They also meet various other administrative, structural, financial, etc... requirements.

To show anon about the diversity, here is the attachments from the BACB on BCBA's:

- American Indian / Alaska Native 0.28%
- Asian 6.85%
- Black 3.93%
- Hispanic / Latinx 10.56%
- Native Hawaiian /Pacific Islander 0.38%
- White 70.05%
- No Answer 7.95%

- Male 13.04%
 - Female 85.22%
 - Nonbinary 0.35%
 - Other 0.09%
 - No Answer 1.30%
- CommentID: 120835

Commenter: Anonymous

3/22/22 9:23 am

Re: Misty Kieschnick

You are right, there is a need for more behavior analyst in the field to support the consumers. Just like there is a need for more teachers and doctors. However, the answer isn't to set the standards lower so anyone could do the job. Behavior Analysis is a complex field and we need our best and brightest contributing. If we set our standards lower, we may meet the goal of having more BA, but at what cost?

CommentID: 120837

Commenter: Michael Moates, MA

3/22/22 12:50 pm

Reply to Anon

No one has provided a single shred of evidence that the standards are lower. You guys keep saying that. I say to you. Prove it. Cite empirical evidence. Cite research. Cite anything. We have shown that the BACB is not diverse and does not represent the population. We have done so through the BACB's own data. You guys come here and treat us like less. You dehumanize us and you provide no evidence. Show the board. Show the board what you are saying. If you can't, kindly sit down.

In addition, just because some standards may be different does not make them deficient. The BACB cannot create rules that will work across all 50 states. It is simply impossible. Every state has its own rules on scope of practice and supervising providers. The BACB has no way of adapting unless they create different rules for every state.

The board should disregard all comments that are not supported by evidence and research. These statements of less or deficient are not based in fact and frankly, the law is clear on what the requirements are. Period.

CommentID: 120839

Commenter: Michael Moates, MA

3/22/22 12:58 pm

Comment to Board

To the Board of Medicine:

Have you noticed how everyone who is commenting against this action is doing so anonymously? That should be a major **RED** flag.

CommentID: 120840

Commenter: Crystal Peterson Barker

3/23/22 9:21 am

Additional Credentialing Agencies

Good Morning,

I am absolutely in favor of additional credentialing boards being added as long as they meet the following criteria: 1.) are a not for profit organization, 2.) are not disability specific (this is extremely important since we do serve a diverse population of individuals with ABA services throughout the state), and 3.) as long as it meets or exceeds the rigor of the BACB standards for certification.

CommentID: 120843

Commenter: Michael Moates, MA

3/23/22 11:29 am

Reply to Crystal Peterson Barker

I agree with certain aspects of the statement made by Crystal Peterson Barker. Here are some things I think are important to address.

First, I do not agree with the non-profit language. There are many for-profit institutions that provide valuable training, education, etc. I also believe this language is unclear. Is she referencing not-for-profit, non-profit, non-government-organization, state non-profit, or 501(c)3 exempt organizations? Many of the colleges that teach ABA programs that are approved by the ABAI and to that point they are not less, they are accredited and are used by the BACB themselves.

Second, I agree wholeheartedly with the language about not being disability specific. I think this is an area where the BACB fails. As previously stated, nearly 80% of those certified by the BACB are Autism Practitioners and that leaves very little room for others to get supervision in areas such as gambling, forensic analysis, sex addiction, ADHD, animal behavior, etc.

Finally, I wholeheartedly disagree with the last statement. The BACB is not the one who should determine what the standards are for behavior analysis. The federal government gave this job to the states in the US Constitution. Further, the BACB has many deficiencies as previously stated. These include lack of provider types, lack of diversity in gender and race, and lack of supervision by state-approved providers.

The state should determine the standard with input from various sources including consumers of behavior analysis, various certification organizations, educational entities, independent behavior analysts, and accreditation boards ANSI and NCCA.

CommentID: 120844

Commenter: C. DuVall

3/23/22 11:11 pm

Concerns with Proposed Changes

I have read and considered the proposed changes described and the follow-up arguments posed, and I disagree with the conclusion that the path to licensure as a behavior analyst in Virginia should be modified in the manner the petition describes.

The key argument, as I understand it, is that the Board should expand the qualifying components required to become licensed in Virginia and that they should do this by expanding the certification requirements to include other credentialing bodies related to the field of behavior analysis.

The process of certification by the BACB as a BCBA/BCaBA and licensure as an LBA/LaBA in VA is rigorous, I agree. But I believe the best means to ensure that we can serve the communities and individuals (no matter the application of the science) with the highest quality of care and quality and mitigate the risk of harm is to ensure that these criteria remain rigorous.

If we, as representatives of the field on both sides of this discussion, feel that the current process towards licensure as a behavior analyst or assistant behavior analyst in Virginia should change but cannot agree which certification or credentialing body best defines the minimum criteria then, I recommend the Virginia Department of Health Professions – Board of Medicine launch a data-driven investigation and adopt the most rigorous standards and examination criteria to determine eligibility for licensure.

Thank you for considering my opinion,

C. DuVall

CommentID: 120851

Commenter: Michael Moates, MA, QBA, LBA

3/28/22 9:00 am

Another Reason Alternatives Must Be Considered - Shocking Children

I think it is extremely important to act in an ethical way. Treating clients with dignity and respect is something that we should strive for. Children are not lab rats to be tested on, nor are they to be treated with disrespect based on disability.

I think it is important for the board to consider this when evaluating credentials it approves as alternatives.

According to Wikipedia, "The Judge Rotenberg Center (JRC, founded in 1971 as the Behavior Research Institute) is an institution in Canton, Massachusetts, United States, housing people with developmental disabilities, emotional disorders, and autistic-like behaviors. The center has been condemned for torture by the United Nations Special Rapporteur on Torture. The JRC is known for its use of the graduated electronic decelerator (GED), a device that administers electric shocks to residents through remote control. The device was designed by Matthew Israel, the institute's founder."

The JRC Continues to shock students as of today 28 March 2022.

The Board of Directors is made up of:

Henry Slucki, Ph.D.

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Jeffrey Sánchez

Ronald Van Houten, Ph.D.

W. Joseph Wyatt, Ph.D.

On Staff:

Nathan Blenkush, PhD, BCBA-D

It is important to note that the BACB is aware of these allegations and yet at least 3 board members remain and at least 1 on staff remain. I don't know about the Virginia Board of Medicine but I certainly don't condone torture and I think there should be alternatives in the field.

The Board needs to watch these:

<https://www.youtube.com/watch?v=PUhPMNdnOW8>

<https://www.youtube.com/watch?v=XV5D2ZL0icM>

This is not who we are. It is not who we want to be. It is a human rights violation. The BACB has taken no action against the individuals allowing this to happen. Alternatives must be put into place to protect the human rights issues being faced.

CommentID: 120876

Commenter: Anon

3/28/22 3:09 pm

Statement

While conducting research to assist me with forming an opinion on this serious matter, I found that the QABA website did not address several important matters, yet those same items are easy to locate on the BACB website. Here are several examples:

The petitioner mentioned a concern with a lack of diversity. BACB certificant data and demographic data can be found at the following site:

<https://www.bacb.com/bacb-certificant-data/>

And yes, the field is dominated by white females, but I would like to point out that is also true for many care-taking type professions like education and nursing. This is an issue that needs to be addressed at a different level than this forum allows. I was not able to locate any demographic information on the QABA website - so how are we to know that they are any more diverse?

<https://www.census.gov/newsroom/stories/certified-neruses-day.html>

BACB information regarding ethics violations can be found here:

<https://www.bacb.com/services/o.php?page=100180>

It is important for the safety of those we support to have total transparency and accountability - the BACB makes it easy to access the ethics codes, any violations, and support with reporting violations. I could not locate ethics violations on the QABA website. There is a simple form for complaints found here:

<https://qababoard.com/wp-content/uploads/QABA-Complaint-Form.pdf>

However, there is nothing specific about ethics violations for those unfamiliar with the codes to assist them with reporting. The ethics codes are found in the packet for certification - but that made it very difficult to locate and again, how would a person unfamiliar with the website like a parent locate them and determine what information they need to determine if a violation had occurred?

To be clear, I am not against the QABA - I am only pointing out inconsistencies and misinformation in the claims made by the petitioner. This matter should not be taken lightly, and I hope more rigorous research is conducted before a final decision is made.

CommentID: 120904

Commenter: Michael Moates

3/28/22 5:58 pm

Response to Anon

I was going to be done responding to people and just share information but since another anonymous user (again should be a red flag for the board) addressed me I would like to respond.

First the respondent has many inaccurate claims.

Again, trying to tell other organizations they have to be exactly like the BACB will lead to the same problems the BACB has. But moreover, had the respondent looked they would have found that QABA has an entire operation in Africa working with people of color to get certified as practitioners. Can be seen here: <https://qababoard.com/pages/qaba-in-africa/>

QABA has an international standards committee made up of both men and women of color. See here: <https://qababoard.com/pages/qaba-international-standards-committee/>

The website is offered in 13 different languages supporting people around the world. Same with the coursework and exams. They are offered across the world to diverse backgrounds including

both men and women of color.

The represent: The United States, Spain, Philippines, Africa, Nigeria, Ecuador, South Korea, India, Brazil, Czech Republic, Peru, Japan, Pakistan, Egypt, UAE, Poland, Kenya, and Saudi Arabia.

The BACB is pulling out of the international market making it more **White Americans**. Don't allow yourself to be fooled by misinformation. The BACB is doing nothing to fix this problem and it is a problem for the board because if the law gets struck down because the BACB discriminates against people of color that will cause issues for the board. See: <https://www.bacb.com/global-certification/>.

Further, the BACB is not attempting to fix the problem at all. They are actually making it more likely that it will be worse by pulling out of the international market. Organizations that represent other mental health fields like the NBCC have organizations across the world like EBCC in Europe. See: <https://europeanbcc.eu/>. There are US Citizens abroad to including military families, international students, and member of the families of the State Department who should be able to get certified while their families are serving our country.

Anon really does not want to talk about ethics while the BACB allows individuals that it certifies to send electric shocks through children in an attempt to change their behavior.

Also, had anon even done basic research he would have found the following resources on the QABA website. See:

<https://qababoard.com/code-of-ethics/>

<https://qababoard.com/wp-content/uploads/Code-of-Ethics-03-25-21.pdf>

<https://qababoard.com/wp-content/uploads/QABA-Complaint-Form.pdf>

Ultimately the QABA Board does not have the jurisdiction to prosecute such claims and so that would be left to the states or the federal government. It does seem odd that someone on behalf of the BACB did not address my previous statement about the electric current the BACB allows to go through the bodies of kids.

Traditionally, the individual wanting to file a complaint would do so with the Board of Medicine as they have the appropriate jurisdiction. They have an entire form dedicated to it here: <https://www.dhp.virginia.gov/PractitionerResources/Enforcement/>

All anon had to do to locate that content was go to the about us section of the website. They took 30 seconds so they could write a negative review here.

Here are some other things to note:

ANSI accreditation - <https://anabpd.ansi.org/Accreditation/FileServer.aspx?Dirty%20=%20Attachment&Id=182217&File=QABA%20Certificate.pdf&type=cert>

<https://anabpd.ansi.org/Accreditation/credentialing/personnel-certification/AIIDirectoryDetails?&prgID=201&OrgId=2168&statusID=4>

They had to meet these requirements: https://www.ihf-fih.org/resources/pdf/Conformity_assessment-General_requirements_for_bodies_operating_certification_of_persons.pdf

All in all. Another misguided individual attempting to hide behind the keyboard and attack other entities. It has no basis and Virginia law is clear. They clearly spend 30 seconds on the QABA website and then started writing.

Commenter: Anonymous

3/29/22 9:35 am

On the Petitioner's "Responses"

The trend appears to continue, in that the petitioner finds it necessary to respond to reasonable comments and concerns by citing "inaccurate claims" and the like, however, fails to address the essence and substance of the comments themselves.

Here's just one example:

Previously, the petitioner expressed concerns that BACB certificants, overall, lack diversity. A recent comment pointed out that QABA does not include measures of diversity on its own website for their certificant base. Instead of addressing this, the petitioner instead claimed that "QABA has an entire operation in Africa working with people of color to get certified as practitioners" and then shares a link. That may be so, but when you access the link, you land on a page of with very little information and no specifics. In addition, the "Learn More" button on the page merely links you back to the different certifications offered by QABA, nothing more.

The petitioner then argues that "QABA has an international standards committee made up of both men and women of color." While that sounds great, how does that specifically address the fact that the petitioner continues to claim that BACB certificants, overall, lack diversity—all the while fails to produce QABA certificant data on diversity?

The bigger point here is this: Like several previous "responses," it is difficult to make sense of what's being presented because they are replete with logical fallacies. More often than not, we are seeing multiple attempts to invalidate a point by presenting nonsymmetrical data, strawman arguments, or information that is completely off-topic.

CommentID: 120944

Commenter: Michael Moates, MA

3/29/22 9:51 am

Reply to Anon

I am done replying to all of these anon users who are to scared to put their name to their posts. My hunch is they are all BACB certified. I am not going to engage in whataboutism. I brought up concerns and they are trying to turn the tables.

I can tell you that QABA or BICC does not condone shocking minor children for maladaptive behaviors like the BACB.

CommentID: 120946

Commenter: Michael Moates, Global Institute for Behavior Practitioners and Examiners

3/30/22 8:04 pm

Similar Discussions of Counseling

The BACB is not the first organization who has tried to write itself into the law.

A similar thing is happening right now in the Commonwealth Board of Counseling where the CACREP accreditation board is trying to make itself required for licensure and of 134 Comments not 1 supports the the restriction of one certification board.

Just like with the BACB, CACREP similarly thinks that it is better than everyone else and want to block off providers during the COVID 19 crisis.

See:

<https://townhall.virginia.gov/L/comments.cfm?stageid=8872>

CommentID: 121020

Commenter: Michael Moates, MA

3/30/22 8:46 pm

328 OPPOSE SINGLE BOARD

SEE THIS AMAZING PIECE OF WORK TO:

328 VOTE AGAINST ONE SINGLE BOARD.

<https://townhall.virginia.gov/L./comments.cfm?stageid=7071&sort=change>

CommentID: 121025

Commenter: Vijay Krishna, ANSI National Accreditation Board

3/31/22 2:00 pm

Comments from ANSI National Accreditation Board

Ref: Petition for Rulemaking: Certification for licensure as practitioners of behavior analysis: Regulations Governing the Practice of Behavior Analysis (18 VAC 85-150)

Dear Board Members,

As the Board considers the petition for certification for licensure as practitioners of behavior analysis, the ANSI National Accreditation Board (ANAB) would like to provide information relating to the international/national standard for assessing the competence of personnel certification bodies and the accompanying accreditation requirements.

The ANSI National Accreditation Board (ANAB) is an affiliate of the American National Standards Institute (ANSI) and the largest multi-disciplinary accreditation body in the western hemisphere, with more than 2,500 organizations accredited in approximately 80 countries. ANSI oversees the creation, promulgation, and use of thousands of norms and guidelines that directly affect businesses in nearly every sector: from acoustical devices to construction equipment, from roads and bridges to energy distribution, and healthcare. ANAB accredits personnel certification bodies based on the international standard ISO/IEC 17024: *Conformity assessment- Requirements for bodies operating certification of persons*. This standard is also adopted as an American National Standard. ANAB has accredited over 225 programs under this standard including several in the healthcare sector such as those offered by the American Board of Multiple Specialties in Podiatry, ASCP Board of Certification, Inteleos, Lymphology Association of North America, National Board of Certification in Occupational Therapy, ABRET Neurodiagnostic Credentialing and Accreditation, AONN Foundation for Learning, and Academy of Lactation Policy and Practice. A complete listing of all accredited programs can be found at <https://anabpd.ansi.org/Accreditation/credentialing/personnel-certification/ALLdirectoryListing?menuID=2&prgID=201&statusID=4>

The ANAB accreditation process – itself based on an international standard (ISO/IEC 17011: *Requirements for accreditation bodies accrediting conformity assessment bodies*) – is extremely rigorous and ensures that only those organizations that meet the stringent requirements under the standard are accredited. Independent third-party accreditation is an “accountability mechanism” to ensure the quality and legitimacy of organizations offering credentials. ANAB accreditation provides an added layer of legal defensibility against invalid claims. The accountability and transparency built into the ANAB process support conformity assessment attestations and can result in reduced liability insurance.

Benefits of Accrediting Credentialing Organizations to ISO/IEC 17024

Accreditation is a key component of an effective standardization system, assuring industry and governmental decision-makers that credentialing organizations are competent and their results can be trusted. The standard was developed by the International Organization for Standardization (ISO) based on the need for public protection by establishing that individuals have the required competencies to perform their job. The standard has been recognized by several U.S. federal agencies as a critical requirement for personnel certification bodies that offer certification in areas related to public health, environment, and

national security. ANAB is a signatory to the International Accreditation Forum (IAF) Multilateral Recognition Arrangement for ISO/IEC 17024, which brings global acceptance of its accreditation program,

The following are the key requirements under the standard:

- **Credibility:** The certification examination must be fair, valid, and reliable. A valid test correctly measures whether an individual has the necessary competencies for the job. Validity is an indicator to establish that the process measures what is intended to measure. Exam reliability shows that the test measures a person's abilities in a consistent manner.
- **Impartiality:** The certification body should establish its structure, policies, and procedures to ensure impartiality and objectivity and manages conflict of interest arising from certification activities.
- **Independence:** The certification functions should be independent of training to ensure that confidentiality, information security, and impartiality are not compromised.
- **Transparency:** The certification body is required to have an active complaints process to resolve complaints against its activities as well as complaints against individuals that it has certified.
- **Accountability:** As per the standard, the certification body should have a due process for taking away the credential for unethical or incompetent behavior.
- **Balanced representation of stakeholders:** The standard requires that the certification body should involve key stakeholders in making certification-related decisions. Additionally, subject matter experts (SMEs) should be involved in creating the certification scheme requirement based on a valid job or practice analysis.
- **Certification scheme:** The standard requires a certification body to demonstrate that, in the development and review of the certification scheme the following are included:
 - a) the involvement of appropriate experts;
 - b) the use of an appropriate structure that fairly represents the interests of all parties significantly concerned, without any interest predominating;
 - c) the identification and alignment of prerequisites, if applicable, with the competence requirements;
 - d) the identification and alignment of the assessment mechanisms with the competence requirements;
 - e) a job or practice analysis that is conducted and updated to:
 - identify the tasks for successful performance;
 - identify the required competence for each task;
 - identify prerequisites (if applicable);
 - confirm the assessment mechanisms and examination content;
 - identify the re-certification requirements and interval.
 - **Other requirements:** The standard is very comprehensive and covers all aspects of certification including test security, recertification, resource requirement, confidentiality, the competence of personnel involved with the certification activities, financial requirements, and use of certificates and logo marks. Further, the certification body should develop a management system for continual improvement of its certification program.

To ensure that the credentials they promote meet industry and quality standards, many federal and state agencies rely on ANAB accreditation. Some examples include:

- Virginia Department of Health as specified in 12VAC5-421-55 of the Virginia Food Regulations requires ANSI/ANAB accredited Certified Food Protection Manager (CFPM).
- ANAB's 17024 accreditation is the only program recognized by the U.S. Department of Defense (DoD) under DoD 8570 for Information Assurance.
- ANAB's 17024 accreditation program is recognized by the White House National Science and Technology Committee on Forensic Science as meeting the highest standard in accreditation.

- o ANAB's 17024 accreditation is recognized by the U.S. Occupational Safety and Health Administration (OSHA) for crane operator certification and by New York, West Virginia, and California in licensing requirements for crane operators.
- o ANAB's 17024 accreditation is a requirement for licensing of elevator inspectors in several states.
- o ANAB's 17024 accreditation is recognized under the North American Securities Administrators Association (NASAA) model rule on the use of senior-specific certifications and professional designations.
- o ANAB's 17024 accreditation is recognized by the U.S. Department of Energy (DOE) as the accreditor under the Better Building Workforce Guidelines.
- o The U.S. Department of Health and Human Services selected ANAB as the approved accreditor for its Health Information Technology (HIT) Certification Program.

ANAB has accredited the QABA Credentialing Board under ISO/IEC 17024 for (a) Applied Behavior Analysis Technician, (b) Qualified Autism Services Practitioner- Supervisor (QASP-S) and Qualified Behavior Analyst (QBA). These programs have demonstrated compliance with the stringent requirements of the standard.

We support the petition to amend the regulation to accept certification from an entity that is nationally recognized to certify practitioners of behavior analysis. We recommend ANAB be recognized as an accreditation body for the licensing of Applied Behavior Analysis and the QABA certification programs accredited by ANAB be included in the licensing of Applied Behavior Analysis.

Please feel free to contact me for any additional questions or clarification.

Sincerely,

Vijay Krishna, MBA, ED.D.

Vice President, Credentialing
ANSI National Accreditation Board
1899, L Street Suite 1100, Washington DC 20036.
CommentID: 121046

Commenter: Anonymous

4/4/22 12:15 pm

Disagree

I disagree to add QABA. The BCBA helps make sure that BCBA's, BCaBA's, and RBT's are practicing within their scope and that they are providing ethical services to their clients. ABA has a bad rap from the past and with the help of the BACB it is helping change the way people look at ABA therapy. We need to continue to on providing ethical practices of ABA with clear guidelines and qualifications for everyone that is practicing ABA.

CommentID: 121077

Commenter: Anonymous

4/4/22 3:30 pm

High Standards are Necessary

CommentID: 121079

Commenter: Michael Moates, MA

4/4/22 3:31 pm

Response to Last Anon

Breakdown of last response:

I disagree to add QABA.

The BCBA helps make sure that BCBA's, BCaBA's, and RBT's are practicing within their scope and that they are providing ethical services to their clients. - If this statement is true, why does the BACB continue to allow certified members who shock and electrocyte children with Autism.

ABA has a bad rap from the past and with the help of the BACB it is helping change the way people look at ABA therapy. - Really? Again, shocking minor children. If that is the change you want then you would literally be a sadist.

We need to continue to on providing ethical practices of ABA with clear guidelines and qualifications for everyone that is practicing ABA. - Thank you for making me laugh today. The BACB has no idea what ethics are. They literally certify people who shock children.

Here is the video: <https://www.youtube.com/watch?v=-aUlhWmDPeI>

Here are the BCBA's: <https://www.judgerc.org/board-of-directors.html>

Jessica E. Van Stratton, Ph.D., BCBA-D, LBA

Richard Malott, Ph.D., BCBA-D

Josh Pritchard, Ph.D., BCBA-D

Ronald Van Houten, Ph.D.

W. Joseph Wyatt, Ph.D.

Nathan Blenkush, PhD, BCBA-D

CommentID: 121080

Commenter: Anonymous

4/4/22 6:15 pm

QABA transparency?

It's curious that six people affiliated with QABA, including its owner, have posted on this page in support of the QABA position. Yet none of them have disclosed their relationship with QABA. Interesting business ethics.

Andrew Patterson, Executive Director of the Autism Business Association, owns the shell corporation (Elevated Autism Services Team LLC) that owns QABA

Ira Heilveil – filed paperwork in California for Elevated Autism Services Team

Rosa Patterson – wife of QABA owner, Andrew Patterson

Eric Linder – current QABA board member

Jessica Swanson – current QABA board member

Valencia Church-Williams – current QABA board member

CommentID: 121083

Commenter: Dr. Valencia Church-Williams

4/4/22 7:46 pm

Re:QABA transparency?

I think that an example of "transparency" would be not posting derisive comments about others anonymously.

I am a public official with several public social media accounts and a website that is heavily trafficked. I am not difficult to find and my intentions are difficult to discern. I am also a proud member of QABA board and it was never a secret. However, my posting included my own thoughts and opinions and do not necessarily reflect the stance of the QABA board. This is why I did not mention my affiliation in the post.

"Anonymous", should you have other questions/comments/concerns please feel free to reach out to me directly at vchurchwilliams@thebridgeconsultinggrouppllc.com.

CommentID: 121084

Commenter: Anonymous

4/4/22 8:55 pm

Breaking News - Anonymous Calls Out People Who Use Their Name While Being Anonymous

Breaking News - Anonymous Calls Out People Who Use Their Name While Being Anonymous

CommentID: 121085

Commenter: Anonymous

4/5/22 8:45 am

I support the anonymous comments.

I support anyone who comments anonymously! The evidence in the comments is clear. If you comment, either way, you will be attacked.

I also DO NOT support allowing this change to occur in Virginia. We must protect the consumers.

CommentID: 121087

Commenter: Anonymous

4/5/22 9:27 am

There is absolutely no evidence...

... that consumers will be hurt by being diverse, allowing collaboration, and opening up the field to those who are qualified.

CommentID: 121088

Commenter: Anonymous, Public School Division

4/5/22 10:29 am

I do not support the QABA licensure.

I do not support the QABA licensure.

CommentID: 121093

Commenter: Anonymous

4/5/22 10:37 am

People Clearly Don't Understand This Is Not A Vote

This is not a vote... your "vote" does not matter. The purpose of this form is to give facts and opinion so the board can determine what is appropriate.

CommentID: 121094

Commenter: Hannah Robicheau, LBA

4/6/22 4:51 pm

Disheartened

I want to start off by saying that the following is my opinion as an individual behavior analyst, and as such, only represents that, as is the purpose of legislative comment forums. My comments are entirely directed to the board that will review this petition. If someone feels that it is his/her/their best option to attempt to correct my personal opinion, or that somehow my personal opinion as a behavior analyst is threatening, then I am truly sorry that that is the position that that individual feels that they are in. Providing behavioral health services to people in need should never result in practitioners needing to be on the defensive/offensive. We're able to be most effective when we work together. It is clear to me that there are many passionate voices willing to speak on this topic, as there should be. No petition or legislative matter should be met with ambivalence. I also appreciate any issue that could push behavior analysis further and occasion self-reflection to improve our field.

I am incredibly disheartened by a few things (not all, but many) regarding this petition and the process. Primarily, the divisiveness and cutting down of one another as professionals and even people, in a public forum. Regardless of one's opinion on the content of this petition, I am concerned about the commentary being a reflection of our field and the practitioners therein. I wonder what members of the public may be turned off from all of us behavior analysts, who already may have a reputation for not working together for the common good outside of ABA. I am also concerned about the underrepresentation of individuals/families receiving services in public comment forums. And finally, there are ALWAYS things to improve on, for every board, certifying entity, etc., because people are imperfect, and we are the ones who make decisions.

I admit to not being as familiar with the QABA as I am with the BACB, so let me preface with that. I also wasn't as concerned about the petition before reading this forum as I am now. I would like to think that I approached from a position of wanting to learn more, and trying to figure out where the opposition is coming from, while being as objective as possible (knowing there's an intrinsic bias as I'm certified by the BACB). From reading the QABA code of ethics, it's evident that there are many similarities between the BACB code of ethics. I started there because it's often the lifeblood of an organization, and an organization's values can be made clear by reading what guides the practice of the certificant participating in that credential. What I saw was a great start to an ethical code (very similar to previous iterations of the BACB's code of ethics and professional conduct). I wasn't able to (upon first glance) see many differences in intent. When I looked for how data was used and incorporated, I saw an underrepresentation of reliance on data and function to drive decision making. I also didn't see any information regarding assent, and there wasn't any information that I could spot other than in the research section that spoke to obtaining informed consent from the client/guardian, and/or what to do if the individual receiving services declines. Additionally, with an international entity, some of the aspects of the ethical code may conflict with country laws, but there is no guidance to say which should be followed. For example, there are currently 71 countries that criminalize homosexuality/bisexuality, and 15 that criminalize gender fluidity/trans expression, yet the code of ethics gives no guidance on how to balance that and anti-discrimination policies.

<https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/>

The other component that is concerning to me is the limitation of the code of ethics and QABA credential to apply to treating "individuals with autism spectrum disorders and related disorders." If a practitioner with a QABA credential were to decide to work with animal training, or informing public safety policy, what would prevent that person from doing so if under the same license? It would then fall to the public/employer to determine the appropriateness of that practitioners experience given the role that he/she/they are in, which takes away the regulation and protection inherent in licensure for the public. One could say that if that practitioner is practicing within his/her/their "scope," that it shouldn't matter, however, the QABA code of ethics (per the introduction), applies to practitioners working with "individuals with autism spectrum disorders and related disorders."

After some poking around, I was able to find information about what happens if a complaint is made on the website. If I was a consumer, I would have difficulty being able to figure out how to use the QABA board for protection using the complaint process, especially because the complaint form is only to be used between certificants, and the website states that complete information up to and including the complaint-filer's certification number would need to be submitted. Though I truly appreciate the intent to expand services throughout the world given how lucky we are in the United States to even be having this conversation, how is the complaint made by individuals worldwide who can't read or speak other languages? Who is explaining all of this to them so that they benefit from protection as well? What if the person needing to submit a complaint (the purpose of any credentialing board) is a member of the public and is unable to bring issues to the attention of the board? How are cultural norms identified and incorporated, and ensuring that women and children, LGBTQ+ youth, and others who may be disempowered in this country and across the world are able to be protected from unethical practices? I couldn't easily find the infrastructure around any of these questions (which is the lens a consumer would use), which worries me. Keeping ABA practice within the US is not the best course of action either, to be sure. I would, however, want to ensure first that no harm could possibly be done to those impacted by ABA services, especially if one is an ambassador of ABA throughout the world.

I am all in favor of having credentialing that is the optimal balance of protection for consumers, and easier access to services for individuals who would benefit from them, but not if there aren't enough protections in place for the individuals that ABA impacts. I worry that it may be a little too hasty and to narrow a focus for the QABA to be included in certifying entities for licensure in Virginia before some of these questions have thorough and easy to find answers.

Thank you for your consideration of my comment.

CommentID: 121097

Commenter: Anonymous

4/6/22 5:30 pm

My Opinion...

No organization is perfect both have flaws. But both the BACB and QABA have high standards and are accredited. We should let them both practice. They have meet the requirements of the accreditation boards and have 3rd party review by reputable NGO's.

CommentID: 121098

Commenter: Michael Moates, MA

4/6/22 10:25 pm

Update from the BACB

I received a letter from the attorney of the BACB in the last few days.

When confronted about the BCBA's certified running the center that shocks children, the BACB says "The BACB also does not have jurisdiction over service delivery agencies." So I guess the BACB will allow the leaders shocking children to stay certified in violation of their own ethics code.

I am happy to send this email to the board to review.

Did you know that the BCBA has given up discipling behavior analysts... see:

<https://www.bacb.com/services/o.php?page=100180>

The entire purpose of the BACB was to provide competent behavior analysts but they don't even enforce their own ethics code anymore with the exception of line technicians.

If they will not punish someone for leading an organization shocking those with Autism where is the line?

CommentID: 121099

Commenter: Anonymous

4/7/22 10:21 am

re: "BACB Update"

Please check facts. The webpage cited by the petitioner as showing that the BACB does not enforce its ethics code with anyone except RBTs actually shows just the opposite.

CommentID: 121100

Commenter: Michael Moates, MA

4/7/22 11:01 am

Reply to Anon

Like I said, I have a letter from their attorneys. They will not take action against the BCBA's that run the center shocking children.

I am happy to provide this to the committee. I wish I had the ability to upload here.

CommentID: 121101

Commenter: Anonymous

4/7/22 1:44 pm

Spain

I was jotting at the requirements and they look almost the same for the other two agencies. It is upsetting that I and many others who practise with high-functioning clients are unable to do so because we live in a country that the current certifying entity does not recognise me here in Spain. They dont like my schooling from Queen's University Belfast.

CommentID: 121103

Commenter: Anonymous

4/7/22 2:28 pm

Re: "Similar discussions of counseling"

Worth noting: The discussion the petitioner referenced regarding people who are licensed to practice counseling (by a different VA board) is about entities that accredit university training

programs, not "boards" or other entities that certify individuals. And both of the accrediting entities under discussion there are nonprofits.

CommentID: 121104

Commenter: Michael Moates, MA

4/7/22 4:22 pm

Anon is wrong

The Anon is confused and understandable given their likely not in the counseling field:

Currently, the Board of Counseling (ie the counseling field) allows anyone who meets their requirements to become counselors. This is not attributed to any 3rd party agency or accreditation. The purpose of the post was to show that Virginia limiting services only harms the community.

You can see the requirements here:

https://www.dhp.virginia.gov/Forms/counseling/LPC/LPC_Licensure_Process_Handbook.pdf

I am sure anon has motives for trying to block other boards and we might know what those were if they were not hiding behind a keyboard.

You have to ask yourself why this person continues to comment without using their name or affiliation while constantly attacking others. There is a reason this is happening.

Further, more likely than not this is going to end up in the courts because under the First Amendment of the US Constitution the government cannot force association with a organization.

Further, the 10th Amendment gives the powers not delegated to the United States to the states, not corporations such as the Behavior Analyst Certification Board or the Association of Professional Behavior Analysts.

See the following court cases:

Time Warner Cable Inc. v. Hudson

Serafine v Branaman

See the following laws:

First Amendment to the United States Constitution - Religion

First Amendment to the United States Constitution - Association

Violation of the First Amendment to the United States Constitution - Speech

Violation of the Due Process Clause of the Fifth and Fourteenth Amendments of the US Constitution

Civil Rights Act of 1964 - Race

Civil Rights Act of 1964 - Disability

Civil Rights Act of 1964 - Sex

Civil Rights Act of 1964 – National Origin

42 USC 1985

15 USC 2 the Clayton Act

CommentID: 121106

Commenter: Michael Moates, MA

4/7/22 6:27 pm

Additional Concerns About the Practice of ABA

Relevant to more reasons why we need additional alternative certifications, I provide the board with this:

1. First, the Virginia Board of Behavior Analysis actually recognizes members that are not BCBA's for full membership. In fact, they go as broad as to allow people from other related fields full membership and voting privileges. You can see here: https://virginiaaba.org/membership/?r=1719&wcm_redirect_to=page&wcm_redirect_id=1719
2. You can also see the above in their bylaws here: <https://virginiaaba.org/wp-content/uploads/2018/10/VABA-Bylaws-revised-2018.pdf>
3. They will now advocate against QABA because they are not a tax-exempt non-profit, neither are they. You can verify this here: <https://www.irs.gov/charities-non-profits/tax-exempt-organization-search>
4. I have grave concerns about the leadership as well. It seems as though all of them would benefit from the limitation of additional behavior analysts. For example:
 1. Board President Amanda Randall, BCBA charges \$6,000+ for speaking engagements <https://web.archive.org/web/20220407211546/https://atlanticspeakersbureau.com/dr-amanda-randall-autism/>
 2. Treasurer Jennifer Wade, BCBA would personally benefit from less providers because her practice would be more in demand. <https://web.archive.org/web/20220407212542/https://littleleaves.org/meet-our-team/>
 3. Member at Large Elizabeth Matthews, BCBA would personally benefit from less providers because her practice would be more in demand. <https://web.archive.org/web/20220407212542/https://littleleaves.org/meet-our-team/>
 4. Member at Large Tiffanie Johnson, BCBA would personally benefit from less providers because her practice would be more in demand. <https://web.archive.org/web/20220407213727/https://rcghealthnetwork.com/team/>
 5. Member at Large Kevin Schock, BCBA would personally benefit from less ABA providers because there would be less to challenge his book and research. Further he can call himself one of the few experts. https://web.archive.org/web/20220407213956/https://www.amazon.com/Functional-Behavioral-Assessment-Diagnosis-Treatment/dp/0826106048/ref=sr_1_1?qid=1649367542&refinements=p_27%3AKeven+M.+Schock+MA++BCBA&s=books&sr=1-1
 6. Member at Large Ting Bentley would personally benefit from less providers because her practice would be more in demand. <https://web.archive.org/web/20220407214418/https://www.getanswersnow.com/our-clinicians/ting-b>
 7. Administrative Director Christy Evanko, BCBA would personally benefit from less providers because her practice would be more in demand.

<https://web.archive.org/web/20220407214423/http://www.snowflakesaba.com/about-us>

At first, I thought how could someone be no narcissistic and think that they are better than everyone else but then I realized this is actually about the money. Instead of allowing those focused on money, speaking engagements, and book deals, the board should focus on authorizing those who intend to help people for the public good. Who want to make a difference.

CommentID: 121107

Commenter: Anonymous

4/7/22 6:36 pm

Harassment

Now Michael Moates is harassing the association leadership in the state. It is definitely consistent with his past history.

<https://heavy.com/news/2018/12/michael-moates/>

CommentID: 121108

Commenter: Michael Moates, MA

4/7/22 6:42 pm

Something Else That Is A Bit Confusing

Why would the Virginia ABA Board be against alternative certification when 3 of its board members are certified by alternative behavior analysis entites:

<https://www.credential.net/16a0b1f4-e7fa-46a7-bd4d-07d614acdfb#gs.wn3de7>

<https://www.credential.net/163b6e0f-9f59-4adc-bcce-2732c2004a1e#gs.wn3bkc>

<https://www.credential.net/a0e50d97-44ed-435d-95ca-827526f966d0#gs.wn39jq>

CommentID: 121109

Commenter: Michael Moates, MA

4/8/22 10:23 am

Hypocrite, much?

It's interesting that Anon want to talk about personal attacks when they post this:

<https://townhall.virginia.gov/L/viewcomments.cfm?commentid=121083>

Being concerned about the type of practitioners we are bringing into behavior analysis is reasonable. They should be less concerned with book deals, speaking engagements, etc and more client focused.

CommentID: 121110

Commenter: Anonymous

4/9/22 11:14 am

Anonymous

Why are there so many statements being made regarding work by the QABA in other countries? Isn't the work of the Virginia Board of Medicine concerned with services provided in Virginia only?

Further, in a prior comment, the commenter pointed out that fewer hours of both coursework and of supervised experience are required to qualify one to sit for the exam offered by the QABA than by the BACB. Remarkably, in his "rebuttal" to this comment, Mr. Moates included a table in which he actually provided the data to prove this point. Also remarkably, he highlighted other content in that table, which had nothing to do with the point that less education and less training is required to become a QABA than to become a BCBA.

CommentID: 121111

Commenter: Anonymous

4/9/22 11:18 am

Regarding the comment, "Something Else that is a Bit Confusing"

If one bothers to check, one would find that the three individuals you cite are also Board Certified Behavior Analysts, and became Board Certified Behavior Analysts prior to becoming credentialed IBAs. They did not use their IBA credential to meet requirements for their licensure as behavior analysts in Virginia. Indeed, at least two of those parties were BCBA's years before the IBA credential was available.

CommentID: 121112

Commenter: Anonymous

4/9/22 11:27 am

Regarding "Additional Concerns About the Practice of ABA"

Sadly, this comment appears to confuse the reader by misstating the name of the Virginia Association for Behavior Analysis (a professional organization) as the "Virginia Board of Behavior Analysis" (which certainly sounds like some kind of credentialing board, doesn't it?). There is no "Virginia Board of Behavior Analysis. Of course the Virginia Association for Behavior Analysis will accept parties who are not BCBA's as members - just as ABAI and many other professional organizations do.

Further, despite apparent misstatements in a number of the other "rebuttals," it does not appear that any of the commenters thus far has made any statement in favor of reducing the number of licensed behavior analysts in Virginia. Instead they appear to be concerned with ensuring the quality and depth of preparation for those who do become licensed, and, as Mr. Moates demonstrated in his "rebuttal" to a prior comment, fewer hours of training, with less behavior analytic content, and fewer hours of supervised experience are required to sit for the QABA credentialing exam.

CommentID: 121113

Commenter: Anonymous

4/9/22 11:32 am

Shock

The practice of using electric shock in behavioral treatment (other than ECT, which is never administered by behavior analysts as it is far beyond their scope of competence) has been contrary to Virginia statutes for many years. It is not used here. One wonders why, again, in numerous "rebuttals," the commenter brings up matters not occurring in Virginia to persuade the Board of Medicine on a decision regarding conduct of professionals within Virginia.

CommentID: 121114

Commenter: Anonymous

4/9/22 12:09 pm

Regarding "There is absolutely no evidence."

After the gentleman who initiated this action commented on the lack of fortitude of those posting anonymously, another anonymous poster posted:

There is absolutely no evidence...

... that consumers will be hurt by being diverse, allowing collaboration, and opening up the field to those who are qualified.

Interestingly, this poster was not met with the stern finger wagging that other anonymous posters received.

Regardless, those in favor of including those holding this lesser credential as their highest credential in the licensed behavior analyst pool have provided no evidence, whatsoever, that the current pool of licensed behavior analysts in Virginia are lacking in diversity, do not welcome collaboration, and are opposed to opening the field to those who are qualified. Have they even studied this?

CommentID: 121115

Commenter: Anonymous

4/9/22 2:01 pm

Proved his point

At this time it would appear Mr Moates has just given everyone enough proof as to why not just anyone should be able to practice ABA. The BCBAs I have encountered over the years understand the seriousness of teaching alternative behavior without the use of punishment. Mr. Moates your comments on here are both punishing and unprofessional. You are not representing an ethical behavior analyst, and looking at some your fake credentials explains a lot.

CommentID: 121116

Commenter: Michael Moates, MA

4/11/22 10:11 am

Letter to Congress

I am going to put the previous anon's maladaptive behavior on extinction and not reply to them.

Here is a letter that was sent to Congress this morning:

<https://gibpe.org/wp-content/uploads/2022/04/Letter.pdf>

CommentID: 121119

Commenter: Anonymous

4/11/22 1:02 pm

BACB VS. QABA

The Virginia Board of Medicine issues licenses for those individuals who have obtained and continue to maintain the required qualifications needed to practice Behavior Analysis. The BACB is a governing board that focuses on the implementation of the science, not solely for treating

4/18/22, 12:48 PM

symptoms of Autism. The BACB currently has 37,859 individuals who hold a BCBA credential globally. The QABA registry shows that of the 5,953 registered practitioners, only 53 are from Virginia. Of the 53 listed practitioners, 47 of them have expired certifications leaving only 6 with current credentials. Of the 6 individuals with an active certification in the state of Virginia, none of them appear to also hold the BCBA credential through the BACB. There are individuals listed on the registry that do not hold a bachelor's degree, let alone a masters which does not align with their requirements listed for credentialing. To obtain the BCBA credential, all individuals must obtain a master's degree to ensure they have had ample exposure and knowledge within Applied Behavior Analysis.

The QABA credentialing board states that they are "validated in all aspects of ABA with specialization in Autism". Obtaining a credential through the BACB and a license through Virginia's Board of Medicine ensures that the license holder is trained and has demonstrated competence with implementing behavior analysis. This is a major discrepancy that should not be overlooked when providing licensure through the state's governing board.

Creating additional opportunities to extend the privilege of being licensed in the State of Virginia should be based on qualifications and experience implementing the science of Applied Behavior Analysis not solely based on experiences with individuals on the Spectrum. If there are individuals that belong to the QABA that actually reside in the state of Virginia, they should be invested in following the outlined procedures and experience requirements set forth by the state. The matter of credentialing and licensing through the state of Virginia should be reserved for actual residents of the state. There is no need for individuals outside of the Commonwealth of Virginia to be concerned with our licensing practices. If holding a QABA credential is sufficient for the state where you reside, then continue focusing your energy and ethical practices where you have been recognized to do so.

CommentID: 121121

Commenter: Michael Moates, MA

4/11/22 1:41 pm

Litigation Filed

Litigation on this matter has been filed in federal court. I ask the board to let the courts determine the outcome.

Various constitutional issues have been raised and likely because the board has failed to include the language required by the law, the rule will likely be stricken by the court.

CommentID: 121122

Commenter: Dr. Ed Tiller, VACP president

4/11/22 2:47 pm

VACP position on ABA petition for rule making

We hold that current certification requirements are necessary to ensure that qualified practitioners, knowledgeable in the principle's behavior analysis, and who meet the certification standards of the Behavior Analysis Certification Board are necessary to protect Virginia's consumers and regulate the kinds of services they receive. We strongly urge the Board to deny the petitioner's request.

Sincerely

Edward H Tiler PhD

President

CommentID: 121172

Commenter: Michael Moates, MA

4/11/22 3:12 pm

VACP Not Valid

VACP comments are not valid.

The standing committee on Publication has the mission of "Disseminate psychological knowledge, BOD policy decisions, member activities, and state and national ethical, legal and regulatory information to all members"

The independent comment of one director should not be taken as to represent the whole organization.

Mr. Tiller does not have the unilateral authority to make such a comment on behalf of the organization. Further, Mr. Tiller is not a behavior analyst nor a behavioral psychologist. His areas are psychotherapy and marriage/family.

See the bylaws:

<https://www.vapsych.org/vacp-by-laws>

CommentID: 121187

Commenter: Anonymous

4/11/22 9:16 pm

Past behavior predicting future behavior.

So, a suit has been filed in federal court. He has filed other suits before, and the outcomes were not in his favor. Nothing new there.

He's also billing himself as a Professor, in the letter he sent to Congress. He's not new to politics, and it's a good thing that the President, Vice President, Senators, and Representatives to whom he addressed his letter have nothing else to do and will act swiftly on his letter. Why is it, though, that when one searches the university at which he claims to be a professor, the site says that there are no results to be found?

I hope he gets help. He seems empty. Very sad,

CommentID: 121297

Commenter: Anonymous

4/11/22 9:23 pm

It is remarkable that the QABA chose him as their spokesperson and petitioner.

Out of all of the undoubtedly intelligent, well educated, professional folks whom the QABA could have chosen to be their spokesperson and petitioner in this matter, they chose him. Remarkable.

Even more remarkable is that they've kept him. How, exactly, is his display of grandiosity helpful to them and their cause?

CommentID: 121298

Commenter: Anonymous

4/11/22 9:31 pm

Careful! The sands are shifting!

So, it began with "QABA is the same as BCBA."

Then, it became "QABA is better than BCBA because of other things being done in other parts of the world."

Then, he made the mistake of laying out in a rebuttal the point that was made regarding lesser education and supervised experience being required to become a QABA.

Then, more doubling down on diversity and things going on elsewhere in the world.

Then, it became about shock - which is already illegal in Virginia.

Now, there's allegedly a federal lawsuit, submitted by a failed politician and failed journalist who has a penchant for claiming credentials he doesn't actually have (such as BCBA or Professor).

Doesn't appear that there is very much solid substance to anything of this.

What hasn't changed is that the BCBA credential requires greater educational attainment and greater supervised experience than does the QABA credential. Another thing that hasn't changed is that, unlike the QABA, the BACB does not list on their certificate registry the names of individuals whose credentials have expired and not been renewed. They don't have to. It's a solid credential, that those holding it wish to renew.

CommentID: 121300

Commenter: Anonymous

4/11/22 9:32 pm

Some of these anonymous comments are pretty good!

Put them on extinction? Why put Anonymous on extinction? Those comments by Anonymous are the most interesting and spot on comments that have been made! You really should read them!

CommentID: 121301

Commenter: Michael Moates, MA

4/12/22 9:16 am

It is sad the BACB Anon Rep has to lie and defame

It is sad the BACB Anon Rep has to lie and defame because he can't get real facts.

I am emailing the department more info about the university I am at. Since the Anon has been stalking me.

Here you will see in the BACB database the expired credentials (See under status Inactive/Expired):

<https://www.bacb.com/services/o.php?page=101135>

Here is a screenshot of their lies:

<https://ibb.co/TgZByQZ>

Regarding the shock, the BACB is the one who allows this to happen. The point was not about Virginia law but rather who Virginia associates with. Do you really want to be attached to an organization certifying those engaged in the practice of shocking children?

This is the BACB and its certified:

<https://www.youtube.com/watch?v=Ko-ip3MIImik>

Court case was filed in the district court on 11 April 2022. I am happy to provide the board with the details.

CommentID: 121333

Commenter: Michael Moates, MA

4/12/22 9:38 am

Police Report Filed

For the written record, I have filed a police report for the stalking and harassment of the anon user. The user has taken these issues beyond this forum in an attempt to illegally intimidate me. It will not work. This has been provided to the Board of Medicine.

CommentID: 121335

Commenter: Anonymous

4/12/22 10:45 am

There is no "Anon"

Anyone can post comments here anonymously, and a quick review of the anonymous posts shows that they were authored by several different people, including some QABA promoters.

CommentID: 121344

Commenter: Anonymous

4/12/22 11:00 am

There is an anon

Just because it assigns a different number does not mean it is not a different person... see next post

CommentID: 121346

Commenter: Anonymous

4/12/22 11:00 am

See

Different number same person

CommentID: 121347

Commenter: Anonymous

4/12/22 12:19 pm

Yes, include new language

I am in favor of the language petition to be more inclusive of other accredited certifying entities for ABA certification.

CommentID: 121358

Commenter: Anonymous

4/12/22 1:06 pm

Shaping versus coercion

Rather than shaping responses with factual discussion, some prefer to coerce. This is not how an ethical behavior analyst behaves.

CommentID: 121361

Commenter: Prof. Michael Moates, MA, QBA, LBA, LMHP

4/12/22 1:13 pm

My last post and apologies

To everyone,

I am walking away from this comment board. My rules petition remains in place and I remain willing to work with anyone who wants to collaborate to make the field of behavior analysis.

When I started this petition, I started it for multiple reasons. I and others have been in the field of behavior analysis for 8 years, starting in 2015 as an undergraduate student. As I would go on, I found that various other boards were being attacked for various reasons from being too Autism specific to being not as rigorous.

It felt very dehumanizing to me and my colleagues. No board (BACB, QABA, BICC, IBCCES) run the same and I think that is a good thing. If everyone was the same there would be no diversity or standards for different people.

I also believe that it should be the responsibility of the state to determine what it needs. I think that one certification board cannot cover all aspects of various states needs. It just doesn't seem possible to me.

I am grateful that the Board of Medicine issued me a License Behavior Analyst Credential after reviewing my qualifications as they have done with others from various boards.

I think each of the boards have their own strengths. For me personally, just based on my religion cannot associate with one of the organizations based on their practices.

I think it is important that we note that in Virginia, there are nearly 17,000 people with Autism. (<https://www.easterseals.com/explore-resources/living-with-autism/profiles-virginia.html>) There are currently around 1,400 behavior analysts in the State of Virginia. This does not include those not working in Autism or those working as college professors without private practice. That means just to cover Autism the average BCBA would have to take a caseload of at least 11 clients. That is if every licensed person took on 10.23 clients. This also does not account for how the BCBA's are spread out through the state.

I think we can all agree that we all want what is best for our clients. We want them to get the best services from the best people.

I am ashamed of the role I played in getting this discussion so heated. I offer context but not an excuse. Reading comments that degrade your certification or education really hurts and it gets personal. I do not agree with the center shocking children and I do recognize this is not happening in Virginia. What I will say is I don't want to be associated with it at all. There are BCBA's leading this practice and I don't want to be part of the BACB organization. That should not mean that there are no alternatives.

I personally and sincerely apologize to the following:

Dr. Hoch, I apologize to you sir for attacking your position. I will be sending an email withdrawing my request for the emails this afternoon. I, as a QBA, would be more than willing to work with you to collaborate on requirements that we can both be happy and live with.

Ms. Salzman, I apologize to you for discounting your comment. I do agree with you that licenses are in place to protect our clients. We all want what is best for them. I don't think anyone is out to harm a client and if they are they should be reported.

Ms. Robicheau, I wholeheartedly agree with you. Your comment inspired me to take the approach that I am this morning. Thank you for making me a better man. Thank you for challenging me to be a better person.

Dr. Tiller, I apologize to you for discounting your position. You are allowed to have your opinion as we all are and my statement was uncalled for.

To the Virginia ABA Board, I apologize to each of you. I know that you are fighting for what you think is best and I think you should have a platform to do that.

Here is what I learned from this discussion:

- I learned that I could be more humble. My first action was to attack and that is not okay.
- I have learned that feeling personally attacked are not acceptable reasons to lash out at others. I essentially gave others what I was feeling.
- I have learned about the QABA organization and who it is affiliated with.
- I learned about the demographics related to race, gender, and speciality of the BACB.
- I learned about the dangers of how our field can become abusive such as shocking children or other various way of engaging in positive punishment.
- I learned about information that various boards do not post that could be helpful to the common goal of providing students with good and diverse practice.
- Instead of talking about one board being better than the other maybe a collation should have been formed and standards discussed.

Here are some thoughts I ask others to consider:

- Is it fair that someone might not want to associate with the BACB while they still credential those engaged in the shocking practice?
- Can standards be equal even if they are not exactly 100% the same? Just like with the various national and regional college accreditation boards?
- If someone is a member of the Virginia ABA does that association have a duty to fight for all of its members and not just the majority?
- Are there issues across all certification boards where the focus is Autism and could we benefit from having providers in other diverse fields?
- Could it be beneficial to comment using our real names, certifications, and affiliations so that others can see potential biases?
- Could other fields be effective supervisors in behavior analysis? A psychiatrists at a hospital working on behavior change? A substance abuse counselor working to decrease drug abuse? A counselor using behavior therapy to decrease the maladaptive behaviors in a person?
- Is threatening someone, calling their employers, certification boards, etc the way to approach disagreement?
- Is attacking each other going to make the field better?
- Could you attack someone without having all of the information and making assumptions?

What I wish I had seen more of:

- I wish I had seen more collaboration from the BACB, QABA, BICC, IBCCES.
- I wish that the decencies for each board had been addressed.

4/18/22, 12:48 PM

- I would have like to have seen the board hold a meeting on this issue with open discussion from all parties interested.

I feel like we have to lead by example. We are supposed to be the people who work to decrease maladaptive behaviors and I can say here I am one of the people having them and I deeply apologize to everyone for how I acted. My hope is that we can work together.

I stand by my statement that one group leading the entire practice is not in the best interest of the clients. It does not give them options. It provides insurance companies with less options. It creates less competition which creates a situation where there is no fighting to raise the bar or standard if you will.

I do not feel comfortable with the BACB for multiple reasons and so my hope is that an alternative can be allowed so that others who are uncomfortable or want a different type of analyst have that option.

I take responsibility for my actions and I apologize.

Prof. Michael Moates, MA, QBA, LBA, LMHP (thank you to VABA for letting me know about the LMHP)

CommentID: 121362

Commenter: Adam Warman

4/12/22 2:35 pm

Concerns

While I have read the commentary here regularly, I have been reluctant to post commentary due to the combative, inflammatory, and ad hominem posture of responses to valid concerns. But I cannot in good faith let the deadline pass without adding voice to the concerns others have made regarding the petition at hand.

Others have made these points more eloquently, so I will be brief. My concerns echo many others and include:

1. The process of becoming eligible for and attaining certification under QABA is not sufficiently rigorous as to protect consumers. Insufficient fieldwork is required, insufficient breadth of coursework in behavior analysis is required, and the examination itself has insufficient security protocols in place.
2. QABA's for-profit status raises grave concerns for me, as the motive must necessarily be retaining profit margins. This can easily lead to damaging policy changes and relaxation of rigor. Additionally, it means that the company can be sold or acquired by a bad actor. Combined with other transparency concerns, this status makes it quite difficult to determine who is actually steering the ship.
3. Behavior analysis is a broad field and licensure allows for practice in the entirety of the scope of practice. QABA's intense focus on autism interventions does not provide the background and experience required to ensure consumer protection in all areas of behavior analytic practice.
4. Many of the consumers of behavior analytic treatment, along with those that fund that treatment, are already faced with complicated decisions in choosing between various providers, multiple evidence-based practice approaches, and treatment outcome data. The one thing they can currently be assured of is that the professional providing the intervention has been credentialed by a rigorous certification board and licensed by a responsible board of medicine. While I am not in vigorous opposition to other credentialing pathways being accepted for Virginia licensure, the QABA is not the correct choice.

CommentID: 121369

Commenter: Anonymous

4/12/22 4:59 pm

End the Monopoly

Behaviorist serve a population that is consists of more than children and more than people with Autism. People with the LBA/LABA credential are recognized as the "gold standard" in Virginia, yet have difficulties supporting adults through their transitional phases of life. This is in part due to their limited field opportunities. If Virginia intends to meet the DOJ's expectations of being person centered and provide ongoing adequate support, there need to be more avenues available to be considered a licensed behaviorist than going through the BACB.

As it currently stands, there are services where LBA/LABAs are providing the same work as other credentials, but because the BACB is the "gold standard", this credential earns more. Unless the state plans to serve the consumers directly, it is time for a change. There is already a shortage and it is growing by the day. I am speaking as someone who began the process to earn LBA credentials and didn't complete them with only 2 courses and supervision left to obtain. My choice was due to the limited services "ABA" places LBA/LABAs into. All professionals who want to provide ethical service should be able to do so and earn a decent living doing so.

CommentID: 121380

Commenter: Elizabeth Matthews, BCBA, LBA

4/12/22 5:39 pm

Petition Opposed

I am a long time Virginia resident, I have been practicing behavior analysis for almost 20 years, and I do not support this petition. We have worked hard in the Commonwealth to establish a high expectation of care for the individuals and families we serve.

My concerns are solely rooted in protection of the consumers and are in line with those mentioned previously by others.

- Certification standards should be equal to or greater than those currently established and set by the BACB.
- Certifying entities should hold a non-profit status to ensure transparency.
- Certifying bodies should not be associated with any specific diagnosis.

These expectations are met through the BACB requirement and quality services are supported and provided through the current process.

CommentID: 121383

Commenter: Anonymous

4/12/22 9:10 pm

it is simple

text from the law enacted by the legislature

"Documentation that the applicant is currently certified as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board or any other entity that is nationally accredited to certify practitioners of behavior analysis;" the text is required to be in the rule. It is not. the rule is not lawful.

the board understood this because it has been included the language for years

<https://law.justia.com/codes/virginia/2014/title-54.1/section-54.1-2957.16/>

<https://law.justia.com/codes/virginia/2015/title-54.1/section-54.1-2957.16/>

<https://law.justia.com/codes/virginia/2016/title-54.1/chapter-29/section-54.1-2957.16/>

<https://law.justia.com/codes/virginia/2017/title-54.1/chapter-29/section-54.1-2957.16/>

<https://law.justia.com/codes/virginia/2018/title-54.1/chapter-29/section-54.1-2957.16/>

<https://law.justia.com/codes/virginia/2019/title-54-1/chapter-29/section-54-1-2957-16/>

<https://law.justia.com/codes/virginia/2020/title-54-1/chapter-29/section-54-1-2957-16/>

<https://law.justia.com/codes/virginia/2021/title-54-1/chapter-29/section-54-1-2957-16/>

it continues to be in the language today

this was never about what is best

they ganged up to try to block behavior analysts from even being able to renew the licenses by copying and pasting the same post

copied from this

people used to think for themselves

its interesting that they think the rules should not apply to them

<https://virginiaaba.org/public-comment-due-6-27-18/>

<https://www.townhall.virginia.gov//viewcomments.cfm?commentid=65428>

<https://www.townhall.virginia.gov//viewcomments.cfm?commentid=65452>

<https://www.townhall.virginia.gov//viewcomments.cfm?commentid=65507>

<https://www.townhall.virginia.gov//viewcomments.cfm?commentid=65507>

CommentID: 121394

Commenter: G. Bourland, Assoc. for Behavior Analysis International Licensing Committee 4/12/22 11:46 pm

Comments regarding behavior analyst certifying organizations

April 12, 2022

Virginia Board of Medicine
9960 Mayland Drive, Suite 300
Henrico, VA 23233

Subject: Comments regarding behavior analyst certifying organizations

Colleagues:

I am writing on behalf of the Association for Behavior Analysis International (ABAI) which is the international professional organization for behavior analysis, the natural science of behavior, and its Licensing Committee. ABAI is uniquely positioned to address questions that arise regarding the practice and profession of behavior analysis.

We have been asked to comment regarding the discussion occurring in Virginia related to organizations issuing certification to behavior analysts. We recognize the concern possibly arising that some organizations may certify individuals as being sufficiently qualified when, in reality, a person does not possess the knowledge or supervised experience to provide appropriate services for clients. We think that identifying specific certifying organizations as holding acceptable certifying criteria to be unwise as the number of behavior analyst certifying organizations may shift over time and we would not want to take action might contribute to restricting timely decisions being made in Virginia regarding qualifications. To be clear, we cannot endorse any particular organization that certifies behavior analysts. We can, though, describe some considerations that we believe are important when reviewing such organizations.

Given that the rationale for licensing behavior analysts is protection of the public, of utmost importance is ascertaining how well a behavior analyst certification issued by an organization promotes protecting the public. How might that be evident? Some facets of how that be done are summarized immediately below with more details discussion following. Some essential factors include:

- 1. Making sure that the certification criteria are relevant to the area in which licensure would be provided, specifically relevance to behavior analysis, *per se*.**
- 2. Ensuring that the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure are intended to apply broadly and not just be relevant or especially relevant to a subset of the population.**
- 3. Determining that expected supervisory experience maximizes the likelihood that trainees have adequate relevant experience to develop the complex skills needed to provide effective and safe services needed by the public.**
- 4. Ensuring the results of certification examinations accurately reflect the knowledge of a candidate for certification and then licensure.**
- 5. Exploring whether the certifying organization has and enforces a code of ethics for people that it certifies.**
- 6. Considering how certification decisions by an organization could facilitate financial gain accruing to private parties.**
- 7. Addressing whether the behavior analyst certifying organization is accredited by a nationally or internationally recognized organization that accredits organizations that issue professional credentials, a necessary but not sufficient factor for adequate protection of the public.**

Expanded consideration of those factors follows.

- 1. Making sure that the certification criteria are relevant to the area in which licensure would be provided, specifically relevance to behavior analysis, *per se*.** If the license issued to behavior analysts is an unrestricted license (i.e., behavior analysts are not restricted to providing their services to only a subset of the populations such as Autistic people or minors), then the criteria for the certification required for behavior analyst must pertain completely to behavior analysis, rather than some other profession or to behavior analysis **plus** some other topic. Issuance of an unrestricted license requires that licensees' training and experience NOT be restricted to or primarily emphasize only one subset of the population; this is essential so that licensed behavior analysts will have received broad training that will facilitate their ability to provide appropriate and effective services to a broad array of clients. A crucial implication of this expectation for certificants is that the competencies a behavior analyst has received must reflect the fully range of behavior analysis, and not be restricted to or primarily emphasize what is relevant to only a subset of the population to whom behavior analysis services should be provided and that will seek behavior analysis services. The same holds true for the required training, supervised experience, and testing of persons to be certified. A behavior analyst certification program can contribute to protecting the public by having requirements that ensure that behavior analysts are

prepared to provide the services people need in a manner that is safe, effective, and ethical. Inadequate standards increase the risk that certified behavior analysts will provide services and conduct themselves in ways that could cause some form of harm to the people to whom services are provided. The information to address this set of concerns should be readily available in the publicly available information provided by a certifying organization such as on its website. If the information is not readily available or what is available indicates that the issues mentioned here are not adequately addressed, then one should proceed with great caution regarding whether that organization is operating openly and is likely to provide the best available protection for the public.

2. Ensuring that the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure are intended to apply broadly and not just be relevant or especially relevant to a subset of the population, is not sufficient to maximize protection of the public. The expected knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure must validly reflect what actually is necessary for provision of effective behavior analysis services. The state of the art procedures are well articulated and available from a variety of sources pertaining to examination development and professional credentialing (e.g., the Council on Licensure, Enforcement & Regulation, www.clearhq.org). In brief, the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure should be derived from a systematic, validated representative query of persons practicing behavior analysis with preliminary item development by subject matter experts (SMEs). The findings from such surveys should be reviewed by SMEs, revised as needed and then, when any preliminary surveys are shown to be adequately broad and to be psychometrically reliable and valid, the finalized survey should be administered to a large representative group of behavior analysts. An important consideration in this regarding is that the validation sample is sufficiently representative. That is, the validation sample definitely should not be limited primarily to employees and associates of one company or organization nor to persons known to be working primarily with only a subset of the population. The validation of the items for competencies, examination content, and supervised experience must involve reasonable statistical procedures currently standard for professional examinations, a time consuming and potentially costly undertaking. Failure to do so could result in certification criteria that are too lenient, resulting in inadequately prepared persons being licensed and allowed to provide services to the public, causing harm due to inappropriate services being provided or failure to provide needed services. On the other hand, similar methodological inadequacy could result in certification criteria that are too stringent, resulting in too few adequately prepared persons being licensed and allowed to provide services to the public, causing harm due to restricting unduly the number of professionals available to provide behavior analysis services to persons needing them, resulting in avoidable reduction in quality of life and/or safety for persons not receiving needed behavior analysis services. Information relevant to this set of concerns should be readily available in the publicly available information provided by a certifying organization such as on its website. If the information is not readily available or if the procedures for determining the knowledge, competencies, examination content, and supervised experience requirements for behavior analyst licensure lack the rigor briefly summarized here, then one should proceed with great caution regarding whether that organization is operating openly and is likely to provide the best available protection for the public.

3. Determining that expected supervisory experience maximizes the likelihood that trainees actually have adequate relevant experience to develop the complex skills needed to provide the effective and safe services needed by the public. Such supervised experience requires persons who could be certified and, thus, licensed, and should explicitly mandate that a large percentage of supervised experience involves direct service provision to clients/ patients. A trainee must not be allowed to possibly satisfy the supervised experience requirements without having demonstrated under rigorous expectations that they, in fact, can provide effective behavior analysis services. Such could happen by the certifying organization allowing trainees to count large amounts of time in activities other than service delivery, while recognizing that some time for activities of that sort is necessary. Another level of threat to the adequacy of supervised experience involves the trainee's supervisor not being required to possess credentials reflecting their having the knowledge and skills necessary to adequately evaluate the trainee's activities as behavior

analyst services, *per se*. A supervisor with license or credentials in another profession without also having credentials in behavior analysis is highly unlikely to be adequately prepared to supervise a trainee to competently and safely provide behavior analysis services. A trainee without adequate supervised experience represents a high risk of causing harm because, if licensed, that person, would provide inappropriate services or fail to provide needed services. Further, without sufficient supervision the person would likely act outside their scope of practice and scope of competence, resulting in inadequate referrals for services from other disciplines (e.g., physicians, speech language pathologists). The information to address this set of concerns should be readily available in the publicly available information provided by a certifying organization such as on its website. If the information is not readily available or what is available indicates that the requirements for supervised experience are inadequate, then one should proceed with great caution regarding whether that organization is operating openly and is likely to provide the best available protection for the public.

4. Ensuring the results of certification examinations accurately reflect the knowledge of a candidate for certification and then licensure. A crucial step in realizing that outcome is ensuring that the examination results of behavior reflect that a person having the knowledge of behavior analysis necessary to pass the examination, being certified, licensed as a behavior analyst, and then independently provide services to people. That is on contrast to someone obtaining a passing score fallaciously due to cheating in some manner while taking the test. Thus, information should be readily available regarding the conditions and monitoring of administration of the examination. That information should make clear that the person taking a test is directly monitored, preferably in person and not virtually in locations such as in the United States where staffed, secure testing centers are available. Examination administered solely virtually should be considered more vulnerable to results being affected by extraneous influences. Such influences could result in an examination score of a candidate being falsely inflated to the level of a passing score despite the fact that the persons lacks sufficient knowledge or has acted unethically. As a result, that person lacks knowledge regarding behavior analysis to criteria worthy of receiving a license to practice behavior analysis and is likely harm recipients of their services due to providing inappropriate services or failing to provide needed services. If information regarding the conditions and monitoring of examination administration is not readily available or what is available indicates that the requirements for examination are inadequate, then one should proceed with great caution regarding whether that organization is taking all reasonable precautions to ensure the validity of testing and of validity of examination results, information needed to determine whether the organization's certification is likely to provide the best available protection for the public.

5. Exploring whether the certifying organization has and enforces a code of ethics for people that it certifies. A code of ethics articulates in written form, expectations- including general principles- for how certificants are to interact with people and conduct themselves (e.g., honestly, within their scope of competence). The point of a code of ethics or conduct is to have standards by which behavior analysts are held accountable for their behavior. Persons violating the code very often behave in ways that harm the public in various ways including physically, financially, emotionally. Just having a code of ethics or conduct by itself is not enough. If the certifying organization's code is aspirational, and is not accompanied by actions being taken when a violation is substantiated to correct the violator's inappropriate behavior or remove their certification and, thus, their authorization to provide behavior analysis services, then the public has much more limited protection from harm by behavior analysts acting unethically than they should and could have. Information should be readily available providing the code of ethics or conduct *and* regarding enforcement of the code, sanctions having actually been taken regarding certificants shown to have violated it. If the code is not presented or no information is provided clearly indicating that certificants violating the code have been experiencing and/ or will experience meaningful sanctions for doing so, then that certifying organization is falling short of what it could and should do to help protect the public from harm by behavior analysts acting unethically, allowing them to continue doing so and harming increasingly more people.

6. Considering how certification decisions by an organization could facilitate financial gain accruing to private parties. Certifying organizations that are nonprofit with their financial information readily available to the public seem less likely to tailor certification criteria and

decisions in a manner that increases the likelihood of candidates being certified. Specifically, when the volume of certificants is accompanied by increased revenue for private parties, the certification criteria are likely to be adjusted be easily met, resulting in an accompanying increase in revenue due to the number of people applying for certification being increasing due to the criteria for gaining and maintain certification being considered relatively easy.

7. Addressing whether the behavior analyst certifying organization is accredited by a nationally or internationally recognized organization that accredit organizations that issue professional credentials, a necessary but not sufficient factor for adequate protection of the public. Such accreditation organizations have specific standards for credentialing organizations in various professions and industries. Those standards address numerous factors including, very broadly, the organization’s governance, administration, clearly stated standards for its credentials (basis and development of them), assessment development and administration procedures, personnel matters, financial resources, financial management, quality assurance program, updating of standards, defensibility from challenges, and numerous other factors. In the United States two of the organizations most often accrediting organizations that provide professional credentials are the National Commission for Certifying Agencies (NCCA), the accrediting body of the Institute for Credentialing Excellence (ICE) and the American National Standards Institute (ANSI) and its subsidiary ANSI National Accreditation Board (ANAB). One of these organizations should accredit any behavior analyst certifying organization. That said, note should be taken that a certifying organization being certified does not ensure that it adequately addresses the issues raised above. Accreditation of a behavior analyst certification organization is necessary but in itself is not sufficient to ensure that a credential from it provides all the protection of the public that can and should be provided. The points above illustrate specific ways potential protection of the public can be optimized or limited by a behavior analyst certifying organization.

We would be happy to provide additional information and engage in discussion regarding this important issue of selecting what behavior analyst certifying organizations provide credentials suitable for being the foundation of behavior analyst licensure. My contact information is provided below.

Thank you for your consideration.

Gordon Bourland, Ph.D., BCBA-D, LBA

Chair, ABAI Licensing Committee

CommentID: 121401

Commenter: Anonymous

4/13/22 8:37 am

for clarity ABAI recognizes QABA BICC IBAO NASP APA

https://www.abainternational.org/media/188058/abaimembershipform_2022.pdf

<https://www.abainternational.org/events/annual-2022.aspx>

<https://www.abainternational.org/events/international/call-for-submissions/panel-submission-guidelines.aspx>

<https://www.abainternational.org/welcome.aspx>

they have partnered with QABA by going through their ceu process

<https://qababoard.com/qaba-ceu-providers/>

they have also partnered with NASP

<https://www.nasponline.org/professional-development/nasp-approved-provider-program/nasp-approved-provider-directory>

and the APA

https://cesaoas.apa.org/cesaApprovedSponsors?_ga=2.14116343.176634169.1649853364-1566104547.1648687600

CommentID: 121406

Commenter: Kate Lewis

4/13/22 9:14 am

Petition Concerns

I have been a working BCBA in Virginia since 2005. I became licensed as soon as it was required in VA in 2012. I do not support this petition. I echo others concerns. We have worked very hard in this state to develop rigorous standards that uphold our practice. My concerns with this petition are rooted in the protection of consumers. I will reiterate some key points that others have already made.

- Certification standards should be equal or greater than those established and set by the BACB
- Certifying entities should be non-profits to ensure transparency
- Certifying bodies should not be associated with a specific diagnosis, those ensuring that the license is protecting all consumers of behavior analytic practice

CommentID: 121409

Commenter: Lawrence B. Watson, Psy.D.

4/13/22 9:30 am

Support for Petition

I support this petition. There is simply no basis for stating that other certifications is less. It seems that one group "the popular kids in school" have this self righteous view of themselves.

CommentID: 121410

Commenter: Arlondo Ortiz Ramirez

4/13/22 9:42 am

Long overdue

End the monopoly. This will be the greatest thing VA can do. It will force BCBA's to fight for being the best service providers rather than the only option. That is what you need to see. BCBA's should not be THE ONLY OPTION. Patients should have choices and that requires everyone to be held to a higher standard. This appears to be a BACB QABA battle but when you read the the request it actually seeks to give patients the right to choose who their provider is and that is a good thing.

CommentID: 121412

Commenter: Lisa Falke

4/13/22 9:53 am

Oppose the Petition

Hi! I have concerns about the discrepancy in requirements between certifying bodies and the deterioration in services that could occur by allowing less qualified, practiced or educated

individuals to become licensed. The BACB, the current most prominent and long-standing certification body, has very stringent requirements for certification in an effort to maintain quality. When you compare their qualifications for certification, they far outweigh those of other, newer certifying bodies. There is a big push to quickly create behavior analysts because of the great need for the specialty and profits that can be made by certifying bodies and I worry that speed and profits will be prioritized over quality of services provided if we lessen the criteria for certification as other bodies have done. Please do not remove the requirement for board certification through the BACB. It is an important quality indicator that our field cannot lose. Thank you for your time.

CommentID: 121413

Commenter: Ross Norris DLitt

4/13/22 10:02 am

Not Yay Nor Nay - Seek Advice of Relate Fields

Good Morning Medicine Board

Have you considered how the only persons that are against this are those that are certified by the Behaviour Analyst Certification Board? Those that are for are QABA. The board shall seek input from unrelated parties on this upmost important matter. The for and against persons have a bias for why they want or do not want their certification on the approved list.

Encourage you to seek outside input. Look at the standards in other related fields such as psychology, counselling, psychoanalysis, etc. See how they operate and model after that.

- RN

CommentID: 121414

Commenter: Sammy Linderson: ABA Student

4/13/22 10:17 am

BACB Only Creates Single Standard Without Need For Improvement

I support the action placed on the table. Arlando said it best. Multiple standards means there are people working to be the best. One standard means there is no need to improve because we control the licensure.

In a more personal note, it would be nice to have the choice of getting approved by the best org.

CommentID: 121415

Commenter: Virginia Association for Behavior Analysis

4/13/22 12:03 pm

Public Comment on this Petition

The mission of the Virginia Association for Behavior Analysis (VABA or VirginiaABA) is to promote and support the practice, research, and dissemination of behavior analysis throughout the Commonwealth of Virginia. VABA recognizes that the law and regulations to license practitioners of behavior analysis afford important protections for consumers, funders, the state, and the profession, and that the law and regulations apply to the practice of behavior analysis regardless of client population, setting, funding source, and the like.

VABA has adopted a "Position on Credentials to Serve as Qualification for Licensure to Practice Behavior Analysis" (<http://virginiaaba.org/wp-content/uploads/2022/03/Position-on-Credentials.pdf>) that we feel is important when evaluating certifications that are to be accepted for licensure. Here

4/18/22, 12:48 PM

are some highlights:

- Entities that certify professional practitioners of ABA should be nonprofit organizations. Internal Revenue Service regulations require nonprofit (tax exempt) organizations to serve and be accountable to the public; have no owners, shareholders, or investors; and use any surplus revenues to benefit the communities they serve. The organization should be governed by an independent board of volunteer directors and make its bylaws and other governing policies available to the public. That is, nonprofit credentialing organizations must be **transparent** about how they are governed and operated, how their credentialing and other standards are developed and implemented, and other aspects of their credentialing programs. That allows applicants for and holders of the credentials, consumers, employers, funders, and governments to easily access critical information about the organization. The overwhelming majority of U.S. organizations that issue professional certifications in healthcare and human services are nonprofits. A notable example is the American Psychological Association's Criteria for the Recognition of Organizations that Provide Certifications in Specialties and Subspecialties in Professional Psychology, which has as its first criterion "The certifying body is a **non-profit** organization that has **published bylaws, standards, and procedures** and is governed by an **independent board of directors**, with specified procedures for selection and tenure of board members such that control does not rest with one individual or group of individuals indefinitely" (emphases added).

<https://www.apa.org/ed/graduate/specialize/recognition-criteria.pdf>

- Certifying entities should conduct job analysis studies using well-established procedures and standards to identify the competencies required to practice ABA with **any** client or service recipient, not just a subset (e.g., those with a specific diagnosis). The studies should involve large numbers of subject matter experts, credentialed members of the profession, and experts in psychometrics (test construction and validation). The resulting list of competencies should drive the contents of the professional examinations that are required to obtain the certifications. It may also inform decisions about other certification eligibility requirements (often called task lists or exam outlines), and related standards should be readily available to the public. These job analysis studies should be regularly repeated to ensure they are keeping up with the profession.

At this time, we do not know of any certification organizations beyond the Behavior Analyst Certification Board (BACB) that meet these criteria. Therefore, we do not support the petition. Thank you for your consideration.

CommentID: 121424

Commenter: Kim Jung

4/13/22 12:50 pm

Support for Rulemaking

I endorse the rulemaking process to include various types of certification. The government should set standards not those who can get rich off them.

CommentID: 121428

Commenter: Raymond Henderson

4/13/22 1:49 pm

Yes

I am in favor of this request.

I note the Board of Med does not require cert. for the practice of various other occupations.

CommentID: 121434

Commenter: Jody Liesfeld

4/13/22 2:18 pm

Oppose the petition

While I am not opposed to other entities seeking licensure, the fact of that matter is that the scope of a Licensed Behavior Analyst surpasses the autism specific training of a QABA certificate. We must maintain high standards to protect the clients we serve, and at this time, the BACB is the only certification body that adheres to such standards

CommentID: 121435

Commenter: Raheed Morishani

4/13/22 2:36 pm

Misnomer

So awkward. Some saying autism specific. It's not. It's better. Includes all the elements of Behavior Analysis while having component of autism as additional requirement. The autism pieces is xtra. It does not make up the other components.

Behavior Analysis + Autism not Autism Behavior Analysis

CommentID: 121436

Commenter: Courtney Vaughan

4/13/22 2:46 pm

Concerns

As a Board Certified Behavior Analyst and a Licensed Behavior Analyst in the state of Virginia I believe the following:

- Certification standards should be equal or greater than those established and set by the BACB
- Certifying entities should be non-profits to ensure transparency
- Certifying bodies should not be associated with a specific diagnosis

CommentID: 121438

Commenter: Rosi Talleia

4/13/22 3:04 pm

Why the lie

You should ask if you choose to have an organization that keeps reposting the same lies without doing proper research as the group working with kids who have behavior challenges. It shows they don't know research or consistency. It interesting that they make autism the center focus when as stated in previous comments the BACB is focus on Autism 80% BCBA autism.

CommentID: 121440

Commenter: James Santoyo

4/13/22 3:05 pm

Oppose

I've been practicing as a Licensed Behavior Analyst in Virginia since 2013 and I oppose this petition. The individuals who receive our services deserve the best protection and utmost quality of care and treatment. To provide a high level of protection to consumers of behavior analytic services, the following should be adhered to by credentialing boards that are accepted as qualification for licensure:

1) Credentialing boards should have standards that are equal to or greater than those currently required by Virginia law.

2) Credentialing boards should hold non-profit status to ensure transparency with consumers, regulators, and the general public.

3) Credentialing boards should focus on certifying individuals in *behavior analysis* and not one specific population.

At this time, the only credentialing board that meets these criteria is the Behavior Analyst Certification Board (BACB).

CommentID: 121441

Commenter: Zac Larson

4/13/22 3:12 pm

Copy Paste Repeat

Copy paste repeat is what the opposition is doing as if this is a vote lol.

They will spread the misinformation in an attempt to get their way. The law is clear. The rule violates the law.

CommentID: 121442

Commenter: Lina Toma?

4/13/22 3:14 pm

So much Narcissism

Hey look at us. We are the BACB and we are better than everyone else so let us bully you into following only our rules. End the monopoly! Create competition for high standards.

CommentID: 121443

Commenter: Lina Tomas

4/13/22 3:21 pm

Name

My name is Lina Tomas apparently you can't put the S with the apostrophe.

CommentID: 121444

Commenter: Anonymous

4/13/22 3:29 pm

Confusion on autism-focused credentials?

Some individuals advocating for the petition (for QABA credentials specifically, in most cases), have been calling into question the honesty of other commenters who have pointed out the autism-focus of their credentials. I'm not sure what the confusion is about, but the autism-focus is written front-and-center on QABA's website (<https://qababoard.com/>). In its own Mission Statement, which reads:

"The Qualified Applied Behavior Analysis Credentialing Board (QABA®) is an internationally-accredited credentialing agency dedicated to ensuring the highest standard of care among professionals providing applied behavioral analysis (ABA) services for individuals with autism spectrum disorders and related disabilities."

Even QABA's middle tier/bachelor's level credential has autism in its very name, the Qualified Autism Service Practitioner-Supervisor (QASP-S)?

I hope this helps clear up any lingering confusion.

CommentID: 121446

Commenter: Anonymous

4/13/22 3:32 pm

Interesting.

Interestingly, some of the most recent comments are from people who cannot be found on any social media platform or registry. My question to the Board of Medicine is, how do you verify that the comments are not from made-up people.

Can anyone guess who the newest ANON comments are from? It doesn't take a rocket scientist to figure that one out. Will the real narcissist please stand up?

CommentID: 121447

Commenter: Hollie Benincosa

4/13/22 3:34 pm

In favor of petition

I am in favor of the petition and to include accredited certifying bodies who meet the highest standards to certify professionals in the field of applied behavior analysis. I believe it is important for consumers to have a choice.

CommentID: 121448

Commenter: Emily Rotola

4/13/22 3:56 pm

Not in Favor

As a Board Certified Behavior Analyst licensed to practice in the state of Virginia, I felt compelled to comment and express my lack of favor for the petition "to remove the specific requirement for BACB certification and accept certification from an entity that is nationally accredited to certify practitioners of behavior analysis". The scope of practice for a Licensed Behavior Analyst in the state of Virginia as specified in the Regulations Governing the Practice of Behavior Analysis (18VAC85-150-110) includes "Design, implementation, and evaluation of environmental modifications using the principles and methods of behavior analysis to produce socially significant improvement in *human behavior* including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior; and 2. Supervision of licensed assistant behavior analysts and unlicensed personnel". This scope of practice far outreaches the world of Autism – touching, but certainly not limited to behavioral gerontology, behavioral pediatrics, treatment of substance abuse disorders, brain injury rehabilitation, education, environmental sustainability, health and fitness, and organizational behavior management. QABA's website states they are a credentialing agency "dedicated to ensuring the highest standard of care among professionals providing applied behavior analysis services *for individuals with autism spectrum disorders and related disabilities.*" This specification within QABA's language – and therefore their training and scope of practice – of course presents a disservice to those seeking professional service within the many other fields a BCBA is qualified to provide service to. When I have an injury to a bone, an orthopedic surgeon is my best bet – for any other ailment, I want a more globally trained doctor. We have a responsibility to those seeking service within behavioral pediatrics, substance abuse disorders, TBI, among others – to ensure their service is being provided by a behavior analyst with training in that field – not limited to autism. I value a world in which there are enough trained and competent providers to serve

everyone needing behavior analytic services – I do not value a world in which we compromise that service just to increase quantity of providers.

CommentID: 121449

Commenter: Michael Moates, MA

4/13/22 4:00 pm

Clarity

Thank you to my colleagues for bringing this to my attention. I had not intended to comment anymore and I do with the intention of being respectful but there seems to be some confusion and misinformation.

I just want to clarify that my petition was not directed at any one agency. Not the BACB, QABA, BICC, etc

My petition referenced any organization that is accredited by ANSI or NCCA in behavior analysis. The goal was to bring the rule into compliance of the statute which requires the language used in the statute to be listed in the rule and it is not.

Having Autism coursework in addition to behavior analysis coursework should not disqualify someone, it should be considered an asset as long as it is in addition to the other required coursework/testing requirements.

It is for both QABA and BICC in my opinion.

Here are the competencies:

QBA: <https://qababoard.com/wp-content/uploads/QBA-Competency-Standards-2022.pdf>

QASP-S: <https://qababoard.com/wp-content/uploads/QASP-S-Competency-Standards-January-2022.pdf>

BCAP: <https://behavioralcertification.org/wp-content/uploads/2021/03/BCAP-Candidate-Handbook-20210218.pdf>

Here are the scopes of practice:

QBA: <https://qababoard.com/qualified-behavior-analyst-scope/>

QASP-S: <https://qababoard.com/qasp-s-scope/>

Also, ANSI has clearly stated that the QABA credentials are not Autism certificates but rather Behavior Analysis certifications.

See: <https://townhall.virginia.gov/L/viewcomments.cfm?commentid=121046>

See: <https://anabpd.ansi.org/Accreditation/credentialing/personnel-certification/AllDirectoryDetails?&prgID=201&OrgId=2168&statusID=4>

Some have asked about job analysis:

https://www.behavioralcertification.org/Content/Documents/Job_Analysis_Executive_Summary_2017.pdf

Also, something else I thought of, the FBI Behavior Analysis Unit is located in Quantico, Virginia. Has the Board of Medicine considered asking them for input?

Autism is one piece of each credential. They are tested in the Applied Behavior Analysis areas separately. Having Autism in the name does not make it only autism it just makes it a additional specialization.

I respect the anonymous commenters passion. I agree with them that if the board has reason to suspect foul play they should investigate who is commenting. The IP address, location, etc is all

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information that is traceable. If they all are having related locations, IP's, etc the board should not consider the comments.

You would have to be pretty uneducated to not know these kinds of things can be tracked.

I do not believe this is the case and I also suggest that there are many BCBA's also randomly commenting today. I believe that this is because it is the last day of the commenting period and many others have posted on various websites and social media.

I leave it to the board and IT to investigate and I hope they will. The board should only consider comments that are accurate.

CommentID: 121450

Commenter: Kaitlyn Poten Behavior Asst

4/13/22 4:04 pm

Chicken Soup for the Soul

If the BACB is so determined to be the best why are they so scared of competition over the best standards?

CommentID: 121451

Commenter: Council of Autism Service Providers

4/13/22 4:08 pm

CASP Public Comment on Behavior Analysis Petition

I write to you today on behalf of The Council of Autism Service Providers (CASP) and our member organizations in Virginia which are serving children and adults diagnosed with autism spectrum disorder. CASP is a **non-profit** association of organizations committed to providing evidence-based care to individuals with autism. CASP represents the autism provider community to the nation at large, including government, payers, and the general public. We provide information and education and **promote standards that enhance quality of care**. Of particular interest to our members is the coverage of evidence-based care, including applied behavior analysis (ABA) for autistic individuals of all ages in both private health insurance plans as well as through Medicaid.

As a stakeholder who has worked in Virginia since 2008, I was part of the drafting process of Virginia's autism insurance law[1] not only during its original passage but in every subsequent amendment. The statute read in its original form and in every amended form to date that:

*Treatment for autism spectrum disorder" shall be identified in a treatment plan and includes the following care prescribed or ordered for an individual diagnosed with autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care to be medically necessary: (i) behavioral health treatment, (ii) pharmacy care, (iii) psychiatric care, (iv) psychological care, (v) therapeutic care, and (vi) **applied behavior analysis when provided or supervised by a board-certified behavior analyst** who shall be licensed by the Board of Medicine. The prescribing practitioner shall be independent of the provider of applied behavior analysis.*

This language specifically references that applied behavior analysis is provided or supervised by a **board-certified behavior analyst**. The legislative intent was to adhere to generally accepted standards^[2] of care specific to medically necessary applied behavior analysis for individuals diagnosed with an autism spectrum disorder.

These standards indicate that:

ABA is a specialized behavioral health treatment approach and most graduate or postgraduate

training programs in psychology, counseling, social work, or other areas of clinical practice do not provide in-depth training in this discipline.

The formal training of professionals certified by the Behavior Analyst Certification Board (BACB) is similar to that of other medical and behavioral health professionals. That is, they are initially trained within academia and then begin working in a supervised clinical setting with clients. As they gradually demonstrate the competencies necessary to manage complex clinical problems across a variety of clients and medical environments, they become independent practitioners. In summary, Behavior Analysts undergo a rigorous course of training and education, including an "internship" period in which they work under the direct supervision of an experienced Behavior Analyst.

*The BACB is a **nonprofit** 501(c)(3) corporation established to meet professional credentialing needs identified by Behavior Analysts, governments, and consumers of behavior analysis services.*

The mission of the BACB is to protect consumers of behavior analysis services worldwide by systematically establishing, promoting, and disseminating professional standards. The BACB has established uniform content, standards, and criteria for the credentialing process that are designed to meet:

- *The legal standards established through state, national, and case law;*
- *The accepted standards for certification programs; and*
- *The "best practice" and ethical standards of the behavior analysis profession.*

The BCBA and BCaBA certification programs are currently accredited by the National Commission for Certifying Agencies (NCCA), the accreditation arm of the Institute for Credentialing Excellence.

NCCA reviews and oversees all aspects related to ensuring the development and application of appropriate credentialing processes.

Appropriate credentialing and certification are not only critical to the safety and well-being of consumers who are prescribed applied behavior analysis therapy by their licensed physician or psychologist, but also to the effectiveness of the intervention itself.

We strongly encourage you to continue to follow generally accepted standards of care and thus deny the petitioner's request to remove the specific requirement for BACB certification and accept certification from an entity that is nationally accredited to certify practitioners of behavior analysis.

Should you need additional information, please do not hesitate to contact me.

Sincerely,

Judith Ursitti

Vice President of Government Affairs

[1] <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0305>

[2] Applied Behavior Analysis Treatment of Autism Spectrum Disorder: Practice Guidelines for Healthcare Funders and Managers (2nd ed.)

Commenter: Anonymous

4/13/22 4:16 pm

Note of Intimate Relationship

Check out the intimate relationship between the BACB and CASP -<https://www.bacb.com/tag/casp/>
<https://www.bacb.com/asd-practice-guidelines-find-new-home-with-casp/>

Here - we will let you take over our autism standards and you in turn will support us in the future.
Pay for play.

CommentID: 121453

Commenter: A concerned parent

4/13/22 4:53 pm

Game of who is bigger

All of the boards on this post should be removed. You are all selfish and not at all worried our kids.
This is horrifying.

CommentID: 121454

Commenter: Beth Newcomb

4/13/22 8:38 pm

Oppose Petition

As a Licensed Behavior Analyst living and practicing in Virginia, I share the concerns that others have noted with regard to rigor of standards and a certification that is associated with only a single diagnosis. For the protection of the consumers of behavior analysis in the state of Virginia, a certification entity must be non-profit and transparent in their operations. Therefore, I oppose this petition.

CommentID: 121457

Commenter: Ken Crum, ServiceSource

4/13/22 8:42 pm

Behavior Analysis Comments

ServiceSource is a large day and employment services provider in Northern Virginia. We support hundreds of individuals with developmental disabilities, behavioral health needs as well as people with sensory and physical disabilities. Due to the pandemic, there are increased behavioral support needs and a lack of resources to address concerns. Additionally, there is a significant financial strain placed on providers to hire or contract with licensed/certified behaviorists.

ServiceSource supports the continued emphasis on strict bylaws, qualifications and other requirements that are implemented by a single entity, since this provides a structure of how services, plans, and interventions are outlined. It also ensures that the qualification process and educational requirements are heavily monitored, ensuring that the behavioral health professional undergoes rigorous and high-quality training. The qualification process is dictated by certain bylaws, ethic codes, and principles of applied behavior analysis, something that can be overlooked by entities unfamiliar or new to ABA principles.

We also support acquiring a more diverse workforce and recommend increasing the number of behavioral health professionals with specialties in differing concentrations and we believe that their basis of ABA knowledge should be consistent and monitored by a single entity.

Ultimately, it would be beneficial for behavioral health professionals providing services to Virginians be accredited under one national entity. With additional accreditation boards, there is no guarantee ensuring services rendered are based on rigorously tested and empirical based studies, and the potential for pseudoscience or bogus interventions may grow exponentially.

CommentID: 121458

Commenter: Katherine Robinson

4/13/22 8:58 pm

Opposed

As a Licensed Behavior Analyst in the state of Virginia since 2012, I share the concerns of many of my fellow LBA's currently practicing within the Commonwealth. While I am not opposed to the BOM considering other certifying bodies in the future, I am opposed to removing the language that requires a certification by the BACB to qualify for the LBA or LABA credential. Removing the current language would allow for the reduction in qualifications, training, and standards that are in place to protect consumers. Removing the language would ultimately harm consumers by allowing other certifying bodies who have lower standards to hold the same license and practice with less experience and clinical education and training requirements.

CommentID: 121460

Commenter: W. S. Harris

4/13/22 9:03 pm

Support

The board should adopt this simply because clients and their families should have the right to their choice of provider.

CommentID: 121461

Commenter: Jabrad M Rahad

4/13/22 9:08 pm

Consent Violations

The medicine board should not violate the consent of the client by coercing them to get treatment by one entity.

Do better.

CommentID: 121462

Commenter: Jennifer Wade, M.Ed, BCBA, LBA

4/13/22 11:41 pm

Oppose the Petition

Good evening,

I have worked in the field of ABA in the Commonwealth of Virginia for over 20 years. I have been a Board Certified Behavior Analyst since 2010 and became a Licensed Behavior Analyst in 2012, when licensure became available. I am heavily invested in our community, our clients, our families, and our profession.

I agree with many of the remarks of others in opposition to the petition. For me, the area that is most concerning is this: At a time when our field is being flooded with new practitioners, we

CANNOT lower our standards. For the sake of our clients and for the sake of our field, we must ensure that professionals practicing in our Commonwealth are held to the same standards (or higher) than those that are currently in place. The Board and the relevant Working Group worked tirelessly a decade ago to create the licensure requirements and guidance documents that exist to this day. If those need to be amended with proper consideration and for valid reasons, so be it.

Lowering the expectation for coursework and supervised fieldwork is unacceptable and not a valid reason to revise what is currently in place.

Thank you for your consideration.

CommentID: 121466

Commenter: Prof. Michael Moates, MA, QBA, LBA, LMHP

4/13/22 11:58 pm

Give Patients the Right to Choose and Raise the Standard By Adding Competition

Board of Medicine:

I am so glad this is over. I want to leave you with some final thoughts to consider.

I am so tired of being degraded, dehumanized, threatened, stalked, etc. Members from the BACB have called my employer, certification board, etc. They have stalked me online. It just was extremely unprofessional behavior for an organization that is wanting to set the standard.

In spite of this, we all pushed through. We fought till the end and when the board takes up this action, we know that they will do so with all of the information.

Final Points:

Behavior Analyst Certification Board (Wants to be the popular kid but is really the bully):

- 70% of BCBA's are white, less than 1% are American Indian, less than 1% are Pacific Islander, 10% are Hispanic, 6% are Asian, and 3% are black. There is no diversity. <https://www.bacb.com/bacb-certificant-data/>
- 86% of BCBA's are female, 12% are male, with the rest as other or not identified. There is an issue of finding male therapists. <https://www.bacb.com/bacb-certificant-data/>
- 72% of are focused on Autism Spectrum Disorder. <https://www.bacb.com/bacb-certificant-data/>
- The BACB is withdrawing from the international market. <https://www.bacb.com/global-certification/>
- The BACB does not offer its testing in other languages besides English. <https://www.bacb.com/global-certification/>
- The BACB does not recognize clinical psychiatrists engaged in behavior analysis as supervisors. <https://www.bacb.com/bcba-handbook>
- The BACB does not accept CEU's from Psychiatrists, Psychologists, etc... only its BCBA's. They would not allow you as doctors to even teach continuing education courses <https://www.bacb.com/wp-content/ACE-Provider-Handbook>
- The BACB continues to certify the leadership at the Judge Rotenberg Center that is shocking children. <https://www.youtube.com/watch?v=Ko-ip3Mlmik>
- The United Nations has designated practices lead by BCBA's as torture. We treat prisoners at Guantanamo Bay better. <https://abcnews.go.com/Nightline/shock-therapy-massachusetts-school/story?id=11047334>

- The BCBAs on this board are (the BACB has been notified and they have stated they intend to do nothing about this):
 - **Board of Directors: Henry Slucki, Ph.D.**
 - Jessica E. Van Stratton, Ph.D., BCBA-D, LBA**
 - Richard Malott, Ph.D., BCBA-D**
 - Josh Pritchard, Ph.D., BCBA-D**
 - Ronald Van Houten, Ph.D.**
 - W. Joseph Wyatt, Ph.D.**
 - On Staff:**
 - Nathan Blenkush, PhD, BCBA-D**

- The BACB seeks to oust other qualified supervisors from supervising behavior technicians, assistant behavior analysts, and aspiring behavior analysts. While psychologists, psychiatrists, social workers, professional counselors, and other related fields retain the right to practice behavior analysis, the BACB does not recognize them as supervisors of behavior analysis. <https://www.bacb.com/wp-content/ACE-Provider-Handbook>
- The BACB has already stated its standards for 10 years from now despite not knowing how academic research will present. https://www.bacb.com/wp-content/mar2022_Newsletter
- They are trying to build an anti-competitive licensure monopoly.
- The BACB threatens other non-profits who attempt to work in behavior analysis.
- The BACB leadership team is 100% white people. <https://www.bacb.com/about/staff-leadership/>
- The BACB talks negatively about other boards calling them Autism specific. This is just libelous as stated by ANSI. <https://townhall.virginia.gov/L/viewcomments.cfm?commentid=121046> No comment on this discussion post has provided evidence that alternative certification boards are acting in bad faith or unethically.
- No poster has provide evidence that any other board is less qualified.
- The BACB cannot possibly meet the requirements of different populations across all 50 states.
- BCBA's personally benefit from less providers. They have long waitlists which hurts the client. ABA treatment is more effective the earlier it starts.
- Here is a BCBA being arrested for assault. <https://www.kktv.com/2021/11/10/behavior-analyst-loses-license-this-11-call-action/>

Qualified Applied Behavior Analysis Credentialing Board (Top Alternative, the A Student):

- The QABA Board has not only each of the requirements of the BACB however they have even more requirements.
- They are not an autism specific board. Autism is in addition to the behavior analysis requirements. <https://qababoard.com/wp-content/uploads/QBA-Competency-Standards-2022.pdf>

- They require a psychometric exam. <https://qababoard.com/taking-examinations>
- They require supervision experience hours. <https://qababoard.com/wp-content/uploads/QABA-Supervision-Log-January-2022.pdf>
- They require a federal and state background check. <https://qababoard.com/background-attestation-form/>
- They require a masters degree. <https://qababoard.com/wp-content/uploads/QBA-Candidate-Handbook-March-2022.pdf>
- They require coursework in applied behavior analysis. <https://qababoard.com/wp-content/uploads/QBA-Competencies-Worksheet-January-2022.pdf>
- They have an ethics code. <https://qababoard.com/code-of-ethics/>
- They are run by an independent board of directors. <https://qababoard.com/leadership/>
- They also have an international standards committee. <https://qababoard.com/pages/qaba-international-standards-committee/>
- They have an Africa based operation. <https://qababoard.com/pages/qaba-in-africa/>
- They are accredited by ANSI in Behavior Analysis. <https://qababoard.com/>
- They are recognized by the Department of Defense. <https://manuals.health.mil/pages/DisplayManualHtmlFile/2021-03-26/AsOf/TO15/C18S4.html>
- Exam and certification materials are offered in alternative languages. <https://www.qababoard.net/>
- QABA offers discounts to 3rd world countries that are developing the practice of behavior analysis. https://www.youtube.com/watch?v=fL4n_hgW4lc
- They have a designated scope of practice and competency requirements. <https://qababoard.com/wp-content/uploads/QBA-Competency-Standards-2022.pdf>
- There is no evidence that QABA is less qualified. In fact, they require more educational subjects than the BACB. It could also be argued an organization that is not entangled with the certification of people shocking children is better.

Behavioral Intervention Certification Council:

- They have additional requirements beyond what the BACB requires. https://www.behavioralcertification.org/Content/Documents/BCAP_Exam_Content_Outline.pdf
- They are accredited by NCCA. <https://ice.learningbuilder.com/Public/MemberSearch/ProgramVerification?model.MemberName=behavior&SearchAliases=false&model.Role=&model.MemberRoleLabel=&attr.Industry=&attr.Name=&performSearch=true>
- They require supervision experience. https://behavioralcertification.org/wp-content/uploads/2021/10/BCAT_2_year_documentation_of_supervision-2.pdf
- They require at least a masters degree. <https://behavioralcertification.org/wp-content/uploads/2021/03/BCAP-Candidate-Handbook-20210218.pdf>
- They require behavior analysis coursework. <https://behavioralcertification.org/wp-content/uploads/2021/03/BCAP-Candidate-Handbook-20210218.pdf>
- They have a code of conduct. https://www.behavioralcertification.org/Content/Documents/BICC_Code_of_Conduct_20

19_2020.pdf

- They require passage of a psychometric exam. <https://behavioralcertification.org/wp-content/uploads/2021/03/BCAP-Candidate-Handbook-20210218.pdf>
- They have an independent board of directors. <https://behavioralcertification.org/about-us-autism-spectrum-disorder/board-directors/>
- They have conducted a job analysis. https://www.behavioralcertification.org/Content/Documents/Job_Analysis_Executive_Summary_2017.pdf
- They require a background check. https://www.behavioralcertification.org/Content/Documents/SaferPlaces_Disclosure_and_Authorization.pdf
- They have a designated scope of practice and competency requirements. https://www.behavioralcertification.org/Content/Documents/BCAP_Exam_Content_Outline.pdf

International Behavior Analysis Organization:

- They are not an autism specific board.
- They require a psychometric exam or you can qualify based on accredited BCBA or QBA equivalency. <https://theibao.com/docs/IBA-Exam-Procedures-v101.pdf>
- They require supervision experience hours. <https://theibao.com/docs/IBA-Requirements-v101-ENG.pdf>
- They require a masters degree or additional experience. <https://theibao.com/docs/IBA-Requirements-v101-ENG.pdf>
- They require coursework in applied behavior analysis. <https://theibao.com/docs/IBA-Requirements-v101-ENG.pdf>
- They have an ethics code. <https://theibao.com/docs/IBAO-Ethical-Guidelines-V100.pdf>
- They are run by an advisory board. https://theibao.com/professional_advisory_board
- Exam and certification materials are offered and being developed in alternative languages.
- They have a designated scope of practice and competency requirements. <https://theibao.com/docs/IBA-REOs-V100.pdf>
- They are not currently accredited. This information is provided to the board for reference.

Third Party Boards:

- The Virginia Association for Behavior Analysis requires a masters degree only for membership. <https://virginiaaba.org/choose-membership/>
- The Association for Behavior Analysis International recognizes QABA, BICC, and IBAO in addition to the BACB. https://www.abainternational.org/media/188058/abaimembershipform_2022.pdf

State of Virginia:

- The State of Virginia is already has already recognized alternative certifications we are simply asking you to codify it in the rules to be consistent.
- The law requires the board by saying "shall include" "Documentation that the applicant is currently certified as a Board-Certified Behavior Analyst by the Behavior Analyst Certification Board or **any other entity that is nationally accredited to certify**

practitioners of behavior analysis;" (Emphasis Added)

http://www.dhp.virginia.gov/media/dhpweb/docs/med/leg/Ch29_Medicine.pdf

- No other mental health board in Virginia requires certification by one entity. See: <https://www.dhp.virginia.gov/counseling/>
https://www.dhp.virginia.gov/counseling/counseling_laws_regs.htm
https://www.dhp.virginia.gov/psychology/psychology_laws_regs.htm
- Most other Virginia Licensing Boards offered grandfather periods for previously practicing professionals where the Behavior Analysis occupation was not provided the same. See: § 54.1-3509, § 54.1-3514,
- It is likely unlawful to force association to one organization under the First Amendment.
- It is likely unlawful for a government entity to force association that is a violation of someones religious beliefs. Re shocking children and the First Amendment.
- Given the above, there is a pending court preliminary injunction to strike down any law that only allows for licensure via the BACB. If the board wants to protect itself it might consider adding an alternative.
- More certification boards would allow your constituents the choice to choose their providers.
- More certification boards would require the BACB to compete and raise the bar/standard to meet other certification boards which require additional courses, experiences, and even simple things like a background check.
- More providers would also decrease the waitlists for ABA services. Search for waitlist using the find feature and you will see these providers have a "long" "extensive" waitlists. <https://www.leapahead.org/> <https://www.greenboxaba.org/>
<https://www.chattanoogaautismcenter.org/outpatient-clinic>
<http://learnwithmasc.org/about-us/services/> <https://villagemindset.org/staff/stacie-dizzley-streeter-bcba/> <https://www.blueridgehorizonaba.com/locations>
- News articles on the same. <https://www.localdvm.com/news/virginia/local-clinics-join-forces-to-combat-aba-practitioner-shortage-as-autism-cases-climb/>

Quotes:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2854065/>

"The BACB does not appear to have the money, staff, time, or legal authority to provide the necessary ethical oversight, especially with the literally thousands of members of the Association of Behavior Analysis International (ABAI) and/or BCBAs who practice both within the United States and around the world."

"To further complicate matters, the BCBA credential is not consistent with the generally accepted concept of board certification as recognized in the fields of medicine, psychology, and other human service professions."

This is stated by their own certified people.

Michael Dorsey, PhD, BCBA

Michael Weinberg, PhD, BCBA

Thomas Zane, PhD, BCBA

Megan Guidi, MEd, BCBA

<https://www.abainternational.org/media/177713/luiselli.pdf>

"One issue of regulatory concern is that often discussed in behavior analytic circles is that Behavior Analyst Certification Board (BACB) offers a national license. This is false. BACB is not licensing, nor could the BCBA ever be a national license for behavior analysts. Licensure falls under the states rights or powers. It is the prevue of each state to restrict trade within its borders. United States v. Lopez, 514 U.S. 549 (1995) held that the federal government only has the right to create laws that effect interstate commerce."

This is stated by their own certified people.

Joseph Cautilli, PhD, BCBA-D

Halina Dziewulska, MEd. BCBA

I respectfully ask you to help us give patients the **right to choose**. Give them the opportunity to have increased quality care by **raising competition that forces people to compete to be the best provider**. I encourage you to look at links and documents also feel free to reach out to me should you have any question. There were a lot of statements made in this comments section. Very few actually included references or documentation to back up such claims.

Help me step in to the future and:

Empower your patients with the right to choose by raising the bar of competition. More standards = forcing people to be the best.

Very Respectfully,

Prof. Michael Moates, MA, QBA, IBA, LBA, LMHP

Global Institute for Behavior Practitioners and Examiners, a non-profit organization

Doctor of Education Candidate

University Professor

Student Health Advisory Committee

Senior Member, Civil Air Patrol, United States Air Force Auxiliary

Certified Accreditation Evaluator

CommentID: 121468

Commenter: Christy Evanko

4/14/22 12:00 am

Comment

My name is Christy Evanko. This comment is not on behalf of any organization for which I work or am a member but is solely my comment. I do not work for the Behavior Analyst Certification Board in any manner, but I want do disclose that I am a certificant. I was born in Virginia, moved away, but have lived here for over 20 years since moving back. I am committed to Virginians and their safety as I hope I have shown with my prior actions. I am a practitioner, but I am also a past consumer of behavior analysis services and those services were life-changing for my family. I will always be grateful.

I have been so dismayed by reading the comments in both the incorrect usage of behavior analytic terms to prove one's point and the vitriol that that been applied when someone posts. The point of public comment is for people to share their opinions so that the Board can make an informed decision. I don't feel that in this particular process, people felt comfortable sharing their opinions, and I am concerned that the process has been impeded, both by people not posting for fear of retribution and people posting under false names to further a narrative. My experience

with the Board of Medicine is that they are a thoughtful group who looks at all angles and understands the law. I am hopeful they will go through this comment and explore all the relevant issues, despite the many distractions and attempts to redirect.

DHP licenses are about the safety of the consumer.

- It is my opinion that understanding and applying the science of behavior analysis is a powerful responsibility that should not be taken lightly.
- It is my opinion that there has been too much focus on using the science to “cure” a disorder and not enough focus on changing behavior to create a better life for someone and the people around them, despite any diagnosis.
- It is my opinion as a consumer that I want to know I’m protected because the person who is providing services is certified by an organization that is transparent and has educational experiences that are rigorous and evaluated by ongoing job analysis studies – studies that, as a consumer, I have easy access to.
- It is my opinion that if the Board of Medicine amends its regulations to include *any* nationally-accredited certification that it will lead to a race to the bottom from for-profit companies that place their requirements just below the lowest one that exists, so that people who are trying to escape putting in the necessary work (based on rigorous job analysis studies) will choose that certification over a more difficult one. I’m not saying that any current company is doing this, but that the potential exists if there are not safeguards in place.
- It is my opinion that it *would* be safe for another certification company to be accepted for licensure in Virginia, but that company would need to be non-profit/transparent, and the certification would need to be irrespective of diagnosis (meaning that there is not specific coursework required with respect to a diagnosis because diagnosis is not in our scope), have rigorous requirements based on job analysis studies, and require education from independently evaluated providers (e.g., universities).

This is a public comment forum, and these are my opinions. This science and this field are important to me, and I trust the Board will consider the decision carefully with the consumer/patient in mind.

Thank you,

Christy

CommentID: 121469

Commenter: Prof. Michael Moates, MA, QBA, LBA, LMHP

4/14/22 12:01 am

Give Patients the Right to Choose and Raise the Standard By Adding Competition

Apparently you can add comments after the deadline lol.

CommentID: 121470

Commenter: Prof. Michael Moates, MA, QBA, LBA, LMHP

4/14/22 12:02 am

Give Patients the Right to Choose and Raise the Standard By Adding Competition

It appears it did not post correctly.

Here:

I am so glad this is over. I want to leave you with some final thoughts to consider.

I am so tired of being degraded, dehumanized, threatened, stalked, etc. Members from the BACB have called my employer, certification board, etc. They have stalked me online. It just was extremely unprofessional behavior for an organization that is wanting to set the standard.

In spite of this, we all pushed through. We fought till the end and when the board takes up this action, we know that they will do so with all of the information.

Final Points:

Behavior Analyst Certification Board (Wants to be the popular kid but is really the bully):

- 70% of BCBA's are white, less than 1% are American Indian, less than 1% are Pacific Islander, 10% are Hispanic, 6% are Asian, and 3% are black. There is no diversity. <https://www.bacb.com/bacb-certificant-data/>
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- The United Nations has designated practices lead by BCBA's as torture. We treat prisoners at Guantanamo Bay better. <https://abcnews.go.com/Nightline/shock-therapy-massachusetts-school/story?id=11047334>
- The BCBA's on this board are (the BACB has been notified and they have stated they intend to do nothing about this):

- **Board of Directors: Henry Slucki, Ph.D.**

Jessica E. Van Stratton, Ph.D., BCBA-D, LBA

Richard Malott, Ph.D., BCBA-D

Josh Pritchard, Ph.D., BCBA-D

Ronald Van Houten, Ph.D.

W. Joseph Wyatt, Ph.D.

On Staff:

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- The BACB has already stated its standards for 10 years from now despite not knowing how academic research will present. https://www.bacb.com/wp-content/mar2022_Newsletter
- They are trying to build an anti-competitive licensure monopoly.
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- They require coursework in applied behavior analysis. <https://qababoard.com/wp-content/uploads/QBA-Competencies-Worksheet-January-2022.pdf>
- They have an ethics code. <https://qababoard.com/code-of-ethics/>
- They are run by an independent board of directors. <https://qababoard.com/leadership/>
- They also have an international standards committee. <https://qababoard.com/pages/qaba-international-standards-committee/>
- They have an Africa based operation. <https://qababoard.com/pages/qaba-in-africa/>
- They are accredited by ANSI in Behavior Analysis. <https://qababoard.com/>
- They are recognized by the Department of Defense. <https://manuals.health.mil/pages/DisplayManualHtmlFile/2021-03-26/AsOf/TO15/C18S4.html>

- Exam and certification materials are offered in alternative languages. <https://www.qababoard.net/>
- QABA offers discounts to 3rd world countries that are developing the practice of behavior analysis. https://www.youtube.com/watch?v=fL4n_hgW4lc
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- They have additional requirements beyond what the BACB requires. https://www.behavioralcertification.org/Content/Documents/BCAP_Exam_Content_Outline.pdf
- They are accredited by NCCA. <https://ice.learningbuilder.com/Public/MemberSearch/ProgramVerification?model.MemberName=behavior&SearchAliases=false&model.Role=&model.MemberRoleLabel=&attr.Industry=&attr.Name=&performSearch=true>
- They require supervision experience. https://behavioralcertification.org/wp-content/uploads/2021/10/BCAT_2_year_documentation_of_supervision-2.pdf
- They require at least a masters degree. <https://behavioralcertification.org/wp-content/uploads/2021/03/BCAP-Candidate-Handbook-20210218.pdf>
- They require behavior analysis coursework. <https://behavioralcertification.org/wp-content/uploads/2021/03/BCAP-Candidate-Handbook-20210218.pdf>
- They have a code of conduct. https://www.behavioralcertification.org/Content/Documents/BICC_Code_of_Conduct_2019_2020.pdf
- They require passage of a psychometric exam. <https://behavioralcertification.org/wp-content/uploads/2021/03/BCAP-Candidate-Handbook-20210218.pdf>
- They have an independent board of directors. <https://behavioralcertification.org/about-us-autism-spectrum-disorder/board-directors/>
- They have conducted a job analysis. https://www.behavioralcertification.org/Content/Documents/Job_Analysis_Executive_Summary_2017.pdf
- They require a background check. https://www.behavioralcertification.org/Content/Documents/SaferPlaces_Disclosure_and_Authorization.pdf
- They have a designated scope of practice and competency requirements. https://www.behavioralcertification.org/Content/Documents/BCAP_Exam_Content_Outline.pdf

International Behavior Analysis Organization:

- They are not an autism specific board.
- They require a psychometric exam or you can qualify based on accredited BCBA or QBA equivalency. <https://theibao.com/docs/IBA-Exam-Procedures-v101.pdf>

- The require supervision experience hours. <https://theibao.com/docs/IBA-Requirements-v101-ENG.pdf>
- They require a masters degree or additional experience. <https://theibao.com/docs/IBA-Requirements-v101-ENG.pdf>
- They require coursework in applied behavior analysis. <https://theibao.com/docs/IBA-Requirements-v101-ENG.pdf>
- They have an ethics code. <https://theibao.com/docs/IBAO-Ethical-Guidelines-V100.pdf>
- They are run by an advisory board. https://theibao.com/professional_advisory_board
- Exam and certification materials are offered and being developed in alternative languages.
- They have a designated scope of practice and competency requirements. <https://theibao.com/docs/IBA-REOs-V100.pdf>
- They are not currently accredited. This information is provided to the board for reference.

Third Party Boards:

- The Virginia Association for Behavior Analysis requires a masters degree only for membership. <https://virginiaaba.org/choose-membership/>
- The Association for Behavior Analysis International recognizes QABA, BICC, and IBAO in addition to the BACB. https://www.abainternational.org/media/188058/abaimembershipform_2022.pdf

State of Virginia:

- The State of Virginia is already has already recognized alternative certifications we are simply asking you to codify it in the rules to be consistent.
- The law requires the board by saying “shall include” “Documentation that the applicant is currently certified as a Board-Certified Behavior Analyst by the Behavior Analyst Certification Board or **any other entity that is nationally accredited to certify practitioners of behavior analysis;**” **(Emphasis Added)** http://www.dhp.virginia.gov/media/dhpweb/docs/med/leg/Ch29_Medicine.pdf
- No other mental health board in Virginia requires certification by one entity. See: <https://www.dhp.virginia.gov/counseling/> https://www.dhp.virginia.gov/counseling/counseling_laws_regs.htm https://www.dhp.virginia.gov/psychology/psychology_laws_regs.htm
- Most other Virginia Licensing Boards offered grandfather periods for previously practicing professionals where the Behavior Analysis occupation was not provided the same. See: § 54.1-3509, § 54.1-3514,
- It is likely unlawful to force association to one organization under the First Amendment.
- It is likely unlawful for a government entity to force association that is a violation of someones religious beliefs. Re shocking children and the First Amendment.
- Given the above, there is a pending court preliminary injunction to strike down any law that only allows for licensure via the BACB. If the board wants to protect itself it might consider adding an alternative.
- More certification boards would allow your constituents the choice to choose their providers.
- More certification boards would require the BACB to compete and raise the bar/standard to meet other certification boards which require additional courses, experiences, and

even simple things like a background check.

- More providers would also decrease the waitlists for ABA services. Search for waitlist using the find feature and you will see these providers have a "long" "extensive" waitlists. <https://www.leapahead.org/> <https://www.greenboxaba.org/> <https://www.chattanoogaautismcenter.org/outpatient-clinic> <http://learnwithmasc.org/about-us/services/> <https://villagemindset.org/staff/stacie-dizzley-streeter-bcba/> <https://www.blueridgehorizonaba.com/locations>
- News articles on the same. <https://www.localdvm.com/news/virginia/local-clinics-join-forces-to-combat-aba-practitioner-shortage-as-autism-cases-climb/>

Quotes:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2854065/>

"The BACB does not appear to have the money, staff, time, or legal authority to provide the necessary ethical oversight, especially with the literally thousands of members of the Association of Behavior Analysis International (ABAI) and/or BCBA's who practice both within the United States and around the world."

"To further complicate matters, the BCBA credential is not consistent with the generally accepted concept of board certification as recognized in the fields of medicine, psychology, and other human service professions."

This is stated by their own certified people.

Michael Dorsey, PhD, BCBA

Michael Weinberg, PhD, BCBA

Thomas Zane, PhD, BCBA

Megan Guidi, MEd, BCBA

<https://www.abainternational.org/media/177713/luiselli.pdf>

"One issue of regulatory concern is that often discussed in behavior analytic circles is that Behavior Analyst Certification Board (BACB) offers a national license. This is false. BACB is not licensing, nor could the BCBA ever be a national license for behavior analysts. Licensure falls under the states rights or powers. It is the prevue of each state to restrict trade within its borders. United States v. Lopez, 514 U.S. 549 (1995) held that the federal government only has the right to create laws that effect interstate commerce."

This is stated by their own certified people.

Joseph Cautilli, PhD, BCBA-D

Halina Dziewulska, MEd. BCBA

I respectfully ask you to help us give patients the **right to choose**. Give them the opportunity to have increased quality care by **raising competition that forces people to compete to be the best provider**. I encourage you to look at links and documents also feel free to reach out to me should you have any question. There were a lot of statements made in this comments section. Very few actually included references or documentation to back up such claims.

Help me step in to the future and:

Empower your patients with the right to choose by raising the bar of competition. More standards = forcing people to be the best.

Very Respectfully,

Prof. Michael Moates, MA, QBA, IBA, LBA, LMHP

Global Institute for Behavior Practitioners and Examiners, a non-profit organization

Doctor of Education Candidate

University Professor

Student Health Advisory Committee

Senior Member, Civil Air Patrol, United States Air Force Auxiliary

Certified Accreditation Evaluator

CommentID: 121471

Executive Session

Board Action: To go into closed session to discuss confidential matters as permitted in Code of Virginia Section 2.2-3711 where closed meetings are authorized for certain limited purposes.

Background: Pursuant to VA § 2.2-3711 (A) (7), the Board will move into the Closed Executive Session portion of the meeting. Public bodies may hold closed meetings for the following:

To consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body -

“7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.”

Agenda Items: Recommend response to full Board on petition for rulemaking

Included in your agenda package are:

- Petition for rulemaking from Michael Moates;
- Public comment received by the Board; and
- Public comment posted on Town Hall in response to the petition.

Action needed:

Recommend that the full Board either:

- Initiate rulemaking; or
- Take no action.

Request for Comment on Petition for Rulemaking

Promulgating Board: **Board of Medicine**

Regulatory Coordinator: Elaine J. Yeatts
(804)367-4688
elaine.yeatts@dhp.virginia.gov

Agency Contact: William L. Harp, M.D.
Executive Director
(804)367-4558
william.harp@dhp.virginia.gov

Contact Address: Department of Health Professions
9960 Mayland Drive
Suite 300
Richmond, VA 23233

Chapter Affected:

18 vac 85 - 150: **Regulations Governing the Practice of Behavior Analysis**

Statutory Authority: State: §§ 54.1-2400 and 54.1-2957.16

Date Petition Received 02/16/2022

Petitioner Michael Moates

Petitioner's Request

To remove the specific requirement for BACB certification and accept certification from an entity that is nationally accredited to certify practitioners of behavior analysis.

Agency Plan

In accordance with Virginia law, the petition will be filed with the Register of Regulations and published on March 14, 2022 and posted on the Virginia Regulatory Townhall at www.townhall.virginia.gov. Comment on the petition will be requested until April 13, 2022 and may be posted on the Townhall or sent to the Board. Following receipt of all comments on the petition to amend regulations, the matter will be considered by the Advisory Board on Behavior Analysis on May 23, 2022, which will make a recommendation to the full Board for its meeting on June 16, 2022.

Publication Date 03/14/2022 *(comment period will also begin on this date)*

Comment End Date 04/13/2022



COMMONWEALTH OF VIRGINIA Board of Medicine

9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

(804) 367-4600 (Tel)
(804) 527-4426 (Fax)

Petition for Rule-making

The Code of Virginia (§ 2.2-4007) and the Public Participation Guidelines of this board require a person who wishes to petition the board to develop a new regulation or amend an existing regulation to provide certain information. Within 14 days of receiving a valid petition, the board will notify the petitioner and send a notice to the Register of Regulations identifying the petitioner, the nature of the request and the plan for responding to the petition. Following publication of the petition in the Register, a 21-day comment period will begin to allow written comment on the petition. Within 90 days after the comment period, the board will issue a written decision on the petition. If the board has not met within that 90-day period, the decision will be issued no later than 14 days after it next meets.

Please provide the information requested below. (Print or Type)		
Petitioner's full name (Last, First, Middle initial, Suffix,)		
Moates, Michael S		
Street Address	Area Code and Telephone Number	
2700 Colorado Boulevard #1526	817-999-7534	
City	State	Zip Code
Denton	Texas	76210
Email Address (optional)	Fax (optional)	
michaelsmoates@gmail.com		

Respond to the following questions:

1. What regulation are you petitioning the board to amend? Please state the title of the regulation and the section/sections you want the board to consider amending.
 Title of Regulations: 18VAC85-150-10 et seq. - REGULATIONS GOVERNING THE PRACTICE OF BEHAVIOR ANALYSIS

2. Please summarize the substance of the change you are requesting and state the rationale or purpose for the new or amended rule.
 Amend 18VAC85-150-60. Licensure requirement. to match the statute. Remove requirement for BACB certification and change language to say "entity that is nationally accredited to certify practitioners of behavior analysis" per statute. The statute requires this language in the regulation as it says "The Board shall establish criteria for licensure as a behavior analyst, which shall include, but not be limited to, the following:"

3. State the legal authority of the board to take the action requested. In general, the legal authority for the adoption of regulations by the board is found in § 54.1-2400 of the Code of Virginia. If there is other legal authority for promulgation of a regulation, please provide that Code reference.
 2014 Virginia Code
 Title 54.1 - Professions and Occupations
 § 54.1-2957.16. Licensure of behavior analysts and assistant behavior analysts

Signature:

Date:

14 Feb 2022

Agenda Item: Consider Adoption of Bylaws for the Advisory Board on Behavior Analysis

Included in your agenda packet is a draft of proposed Bylaws for the Advisory Board

Action Needed:

- Approve and Recommend Adoption to the full Board; or
- Take no action

BYLAWS



Virginia Board of Medicine
∞
Advisory Board on Behavior Analysis



**BYLAWS FOR
THE ADVISORY BOARD ON BEHAVIOR ANALYSIS**

Article I - Members of the Advisory Board

The appointments and limitations of service of the members shall be in accordance with § 54.1-2957.18. of the Code of Virginia.

Article II - Officers

Section 1. Titles of Officers - The officers of the advisory board shall consist of a chairman and vice-chairman elected by the advisory board. The Executive Director of the Board of Medicine shall serve in an advisory capacity.

Section 2. Terms of Office - The chairman and vice-chairman shall serve for a one-year term and may not serve for more than two consecutive terms in each office. The election of officers shall take place at the first meeting after July 1, and officers shall assume their duties immediately thereafter.

Section 3. Duties of Officers.

- (a) The chairman shall preside at all meetings when present, make such suggestions as may deem calculated to promote and facilitate its work, and discharge all other duties pertaining by law or by resolution of the advisory board. The chairman shall preserve order and conduct all proceedings according to and by parliamentary rules and demand conformity thereto on the part of the members. The chairman shall appoint all committees as needed.

The chairman shall act as liaison between the advisory board and the Board of Medicine on matters pertaining to licensing, discipline, legislation and regulation of behavior analysts and assistant behavior analysts.

When a committee is appointed for any purpose, the chairman shall notify each member of the appointment and furnish any essential documents or information necessary.

- (b) The vice-chairman shall preside at meetings in the absence of the chairman and shall take over the other duties of the chairman as may be made necessary by the absence of the chairman.

Article III - Meetings

Section 1. There shall be at least one meeting each year in order to elect the chairman and vice-chairman and to conduct such business as may be deemed necessary by the advisory board.

Section 2. Quorum - Three members shall constitute a quorum for transacting business.

Section 3. Order of Business - The order of business shall be as follows:

- (a) Calling roll and recording names of members present
- (b) Approval of minutes of preceding regular and special meetings
- (c) Adoption of Agenda
- (d) Public Comment Period
- (e) Report of Officers
- (f) Old Business
- (g) New Business

The order of business may be changed at any meeting by a majority vote.

Article IV - Amendments

Amendments to these bylaws may be proposed by presenting the amendments in writing to all advisory board members prior to any scheduled advisory board meeting. If the proposed amendment receives a majority vote of the members present at that regular meeting, it shall be represented as a recommendation for consideration to the Board of Medicine at its next regular meeting.