

APPROVED

MINUTES

BOARD OF BEHAVIORAL HEALTH AND THERAPY  
LEGISLATIVE COMMITTEE

November 20, 2015

10:00 a.m.

Conference Room C, 3rd Floor, 2829 University Avenue SE

Board Members Present: Judi Gordon, RN, LADC, Board Chair; Rebecca Lund, MA, LPCC; Walter Roberts Jr. EdD, LPCC, Committee Chair; Amy Robinson, MS, LPCC

Board Members Absent: Freddie Davis-English, Public Member

Staff Members Present: Kari Rehtzigel, Executive Director; Patricia LaBrocca, LPC/LPCC Licensing Coordinator; Samantha Strehlo, LADC Licensing Coordinator

Others Present: Mark Anderson, Capella University

The meeting was called to order at 10:15 a.m.

**1. Approve Minutes of September 17, 2015 Meeting**

Judi Gordon moved to approve the Minutes of the September 17, 2015 meeting. Rebecca Lund seconded. All Committee members present voted "aye," and the Minutes were approved.

**2. Status of Tiered Licensure Working Group report due December 15, 2015**

Kari Rehtzigel explained the requirements of the report. Judi Gordon stated she is in favor of drafting language to create a permanent associate's degree level of LADC licensure. Ms. Gordon moved that the BBHT staff draft bill language creating an associate's degree level of LADC licensure to replace the current temporary permit language in statute. Amy Robinson seconded. All Committee members present voted in favor of the motion, and the motion passed. Discussion followed.

Mark Anderson from Capella University stated he liked the proposal for a permanent associate's degree level credential and noted it contributes to professionalism. He stated Capella may offer support to the BBHT in the legislative process.

Samantha Strehlo stated she would contact staff at the Minnesota Department of Human Services to find out how the proposal may impact the provisions in Rule 31.

APPROVED

DATE

BY

SIGNATURE

OFFICE

DATE

BY

STATE OF TEXAS

COUNTY OF

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at the City of Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF TEXAS

COUNTY OF

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at the City of Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Notary Public

STATE OF TEXAS

COUNTY OF

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\_\_\_\_\_  
Notary Public

**3. SF 2180/HF2336 – Behavior Analysts - Status**

Kari Rehtzigel reported that no request from any legislator has been received to refer the matter to the Council of Health Boards.

Amy Robinson stated that Minnesota Northland Association for Behavior Analysis (MNABA) members (approximately 150) are very interested in moving forward with the legislation. She explained that Board Certified Behavior Analysts (BCBAs) must have earned a master's degree. Board Certified Assistant Behavior Analysts (BCABAs) must have earned a bachelor's degree and are required to be supervised by a BCBA. BCBAs must be supervised by a mental health professional. Services are billed under CTSS (Children's Therapeutic Support Services).

Ms. Rehtzigel asked why national certification is not sufficient for providers in Minnesota. Is licensure or registration in Minnesota being sought for the purpose of reimbursement? Walter Roberts stated that reimbursement will always be part of health regulation. In general, he favors licensure in order to better protect the public. Ms. Robinson stated that access to services for clients is an issue and that there is a shortage of BCBAs.

Walter Roberts asked if on site supervision is required for BCBAs and BCABAs. Ms. Robinson stated that the supervision must be "real time supervision."

Ms. Rehtzigel asked how the shortage issue can be addressed. She noted that mental health professionals (LPCCs, LPs, LICSWs, LMFTs, etc.) can treat clients on the autism spectrum. They may or may not choose to work with this client population. Walter Roberts stated that the public is probably better protected if a behavior analyst is selected to provide services. Education and competency is of key importance in addition to knowing when to refer a client.

Judi Gordon asked about scope of practice issues. Amy Robinson responded that behavior analysts provide other services beyond providing services to clients with an autism diagnosis. Examples include services to clients with addictions, major health conditions, clients who are developmentally delayed, and clients with traumatic brain injuries (TBI). The Department of Human Services website contains information on reimbursement and benefits for autism conditions under the topic of Early Intensive Behavioral and Developmental Intervention (EIDBI). Samantha Strehlo stated she would send Ms. Rehtzigel a link to this information.

Walter Roberts asked if licensure of behavior analysts in Minnesota is feasible. Can the numbers of potential licensees support the cost of full licensure and regulation by the BBHT?

Rebecca Lund asked if it would be helpful to the Committee to have representatives from the MNABA speak at a future Legislative Committee meeting. Walter Roberts opined that it would be helpful and asked Amy Robinson to contact the group to arrange for a speaker. She agreed to do so.

Ms. Robinson noted that there are BCBAs employed in schools. Pat LaBrocca stated BCBAs are also employed in state facilities (Veteran's Home, Sex Offender Programs, etc.) Walter Roberts stated he believes there will be "push back" from other providers in the school system.

The Committee members agreed to January 13, 2016, as the next meeting date, with a starting time of 9:00 a.m. The guest presenters will be first on the agenda and have 20-30 minutes to speak followed by a question and answer session of 20-30 minutes (total agenda time of one hour). Kari Rehtzigel will notify Jim Abeler and Melissa Haley of the meeting date and time.

**4. Licensure Portability and Reciprocity – Draft Language  
(Letter from North Dakota Board of Counselor Examiners)**

Committee members reviewed a letter from the NDBCE related to reciprocity. Ms. Rehtzigel stated that the Minnesota BBHT does not have statutory authority to enter into these kinds of agreements with other states. She will send a responsive letter to the NDBCE.

Committee members reviewed draft language prepared by Ms. Rehtzigel expanding licensure reciprocity for LADCs, LPCs, and LPCCs. Judi Gordon moved that Board staff members continue to work on the reciprocity language with assistance from legal counsel at the Attorney General's Office. Amy Robinson seconded. All Committee members present voted in favor of the motion and the motion carried.

The meeting adjourned at 12:45 p.m.

[The next Legislative Committee meeting is scheduled for Wednesday, January 13, 2016, at 9:00 a.m.]