

**Georgia Occupational Regulation Review Council**  
**Meeting Minutes: August 4, 2021**

**Introduction**

Anna Miller recapped the last meeting from July 21, 2021. The Council voted on recommendations for HB 811 and HB 430, and the final reports are now posted on the OPB website. The Council heard a brief introduction on HB 412 as interpreted by OPB.

Anna started a motion to approve meeting minutes from July 21<sup>st</sup> GORRC Meeting.

Sam Teasley makes the motion.

Megan Andrews seconds the motion.

The motion is approved.

**HB 412**

Representative Katie Dempsey opened discussion on HB 412. She said this is a consumer protection measure in terms of public safety and Medicaid billing. The bill provides clarity for patients with autism, geriatric procedures, traumatic brain injuries, and individuals with developmental disabilities when seeking care with private or for-profit providers.

Dr. Colin Muething (most recent President of Georgia Association for Behavior Analysis) gave a presentation about the industry and legislation. He defined behavior analysis as working to improve the human condition through change in behavior (i.e., education, behavioral health treatment, etc.). Scientific principles and procedures are employed from basic and applied research. He said a majority of professionals work with intellectual and developmental disabilities, such as autism, dementia, brain injuries, feeding disorders, parenting skills, organization and behavior management, pedestrian safety, and others. 33 other states require licensure for the practice of behavior analysis. Currently, there are approximately 1,100 clinicians eligible for licensure in Georgia. There is no requirement for those who claim to practice behavior analysis in Georgia to meet any educational, training, or demonstrated knowledge standards. Consumers, who may represent a vulnerable population, are left unprotected. The purpose of the bill is to protect consumers and employers with uniform standards and a state body with investigatory power. Two amendments were made during session: 1) an exemption for school system employees, and 2) a 90-day timeline for licensure from the point of application. The Association of Professional Behavior Analysts (APBA) and the Behavior Analyst Certification Board (BACB) are the two best sources for information on the profession. The BACB is used as the principal qualification for certification to ensure every applicant has met the degree, coursework, and supervised practical training standards set by the profession. Licenses will be overseen by the BACB and the state licensing board in coordination.

Anna Miller asked how the scope of the legislation and licensure may affect other professionals in potentially overlapping areas of care or treatment.

Dr. Muething said the bill does not indicate a behavior analysts would be the only provider working with someone with any given disorder. For example, a patient with autism may have a team of multi-disciplinary professionals providing care. This does not impact Medicaid billing because of different billing codes between disciplines.

Anna Miller asked if there are individuals who may be licensed in other professions that would also be a behavior analyst.

Dr. Muething said if they are licensed in a different discipline but have the appropriate education and training, that would fall under an exemption.

Anna Miller asked the purpose behind the exemption for temporary licenses.

Dr. Muething said the bill, including the particular exemption, is modeled from the APBA and legislation from several other states.

Stephen DeBaun (DOR) asked how the board would be funded.

Anna Miller said there was a fiscal note prepared on the legislation during session.

Wendi Clifton (lobbyist for the Georgia Association for Behavior Analysis) said it would operate like other licensing boards in Georgia. Fees would go into the general fund, and the legislation would appropriate dollars back to the Secretary of State to oversee the board.

Tom Bauer and Dr. Aileen Deogracias (Georgia Occupational Therapy Association) agree with the intent of the legislation to regulate behavior analysis in Georgia. They are supportive of licensure for behavior analysts and establishing the board; their concern is the bill is too general. Some terms overlap with occupational therapy, and they would ask for clarity if the bill were to advance in the 2022 legislative session. There is no scope of practice for assistant analysts and technicians, and there does not appear to be a way for the board to know who technicians are or who they are working for. Technicians are often the professional on the ground. Concerned with coursework being completed online rather than in-person with clients. Dr. Deogracias is concerned with the low barrier for entry as a technician, and sparse supervision with the board certified behavior analyst (BCBA) opens the door for incidents or abuse against clients. Tom Bauer recommends a provision be included in the bill that states BCBA's are supervising and is responsible for the actions of the technician, as well as a codified ratio for how many technicians can work for a BCBA.

Anna Miller asked if education and training are currently only held online.

Dr. Muething said these are now only held online. The RBT credential is fairly new (less than five years old); before that, there was no training. There is no technical college program.

Kate Marr (Georgia Academy of Audiology) supports the intent of the legislation, but voiced concern for malpractice by practicing professionals. They are looking for clarifying scope of practice language to be added so certain aspects of their profession will not be taken advantage of, but also take advantage of a possible situation to be reimbursed for care. Specifically, they asked for 'communication assessment and treatment' to the list of services not in the scope of practice of ABA, and to add 'audiologists and speech language pathologists' to the list of providers that the legislation would not apply to.

Marla Mann (Georgia Speech-Language-Hearing Association) spoke to the bill. Her practice recently split off its ABA division from its PT, OT, and speech services. She said the BACB does have requirements of 40-hour training, and a BCBA has to sign off that the technician can demonstrate certain skills, but these checks are insufficient (40-hour training in addition to a high school diploma). She recommended

technicians have to meet RBT certifications, and it would be up to the BCBA that anyone working for them must meet RBT certification. As currently written, the technicians does not have to be a registered behavior technician or pass the 40-hour course. The bill could clarify that a complaint against a technician would be on the supervising BCBA's license. 'Behavior' is hard to define, but scope does not need to include medical diagnoses; ABA therapists cannot treat medical diagnoses. They would also like to be added to the list of professionals that are excluded.

Dr. Anita Brown (Georgia Psychological Association) supports licensure but echoed similar concerns. They would like license 'applied behavior analysis' (ABA) be used in all instances; it is the most accurate subcategory of the field of behavior analysis. They do not believe the exclusions are not sufficient as standalone requirements; should include the practice of psychology in the scope of practice, not just the exclusions. They encourage retention by the proposed board of its responsibility and authority to establish standards and criteria by which licensees would be regulated, and not to delegate these responsibilities to any private, third-party, or any national certifying entity. The bill doesn't indicate what would happen if there was a conflict between certifying entities, or if a state board is impacted by a certifying entity changing its standards. They would request a standing seat on the board.

Jamila Pope (Children's Healthcare of Atlanta) supports HB 412 and licensure of BCBAs. CHOA employs and provides training for BCBA professionals; this bill would ensure they are credentialed and receive proper continuing education. They have a joint Masters BCBA program with the University of Georgia.

Anna Miller asked if the language regarding technicians poses any concern to CHOA.

Jamila Pope said they have full support for the text as currently written.

Anna Miller reiterated the role of the Council in the legislative process. The Council will not produce a new draft of the legislation; it will produce a recommendation for the General Assembly to consider.

Stephen DeBaun voiced support for the legislation and asked for guidance to make a motion along the lines of the General Assembly taking up the support and concerns voiced at the meeting.

Anna Miller said the Council must produce a report, and the applicant group will have an opportunity to speak to the support and concerns voiced at the meeting.

Anna Miller closed the meeting. The next meeting will be Wednesday, August 18<sup>th</sup>, at 3 p.m., and it will only be on HB 412.

Meeting is adjourned.