

GEORGIA BEHAVIOR ANALYST LICENSING BOARD

Conference Call/WEBEX Board Meeting Minutes

April 18, 2024 * 9:30 AM

The Georgia Behavior Analyst Licensing Board met via teleconference on Thursday, April 18, 2024.

MEMBERS PRESENT:

Maggie Molony, Chair
Coby Lund, Vice-Chair
Robin Osborne
Amber Furby

ATTORNEY GENERALS' OFFICE:

Michelle Sawyer, AAG

ADMINISTRATIVE STAFF PRESENT:

Amanda Allen, Executive Director
Jalaina Fuller, Licensing Supervisor
Linsey Joiner, Board Support Specialist

VISITORS PRESENT:

Brandy Eller
Abby Richmond, BCBA
Adam Spencer, BCBA
Amber
Kristen Vaughn, GABA
Brandy M. Locchetta
B. Averitt
Carrie Murray
Chelsea Keller
Jaelyn Jeff
Mandi Kaur, CHOA
Kiel Scates
Kristi S.
Lara
Lucy Diaz Cruz
Mariel Fernandez-Casp
Meighan Adams
Mikayla Flick
Sherry Serdikoff
Tiffany
Videsha Marya
Yasmin
Ginger S.
James Moore
Jessica M.

Shauna Courtney
Cakira Golden
Amanda Beckerma
Denae Hollweg
Jackie Wickerman
Jana
Jennifer Thompson
Jessica Demarco
Ameer
CM
Christine Marrero
Heather
Chelsea E.
Chelsea Keller
Ryan
Ashley Neitzer
Stephanie Hunter
Darcy
Call-In User 2
Call-In User 4
Call-In User 5
Call-In User 7
Call-In User 8

Ms. Maggie Molony, Chair, established that a quorum was present and called the Board meeting to order at 9:35 a.m.

Agenda: Approved with no late agenda items

Meeting Minutes:

- March 28, 2024 CC Board Meeting

Recommendation:

Approve as presented

Ms. Osborne motioned, Ms. Furby seconded, and the Board voted to approve the March 28, 2024 C.C. Board Meeting minutes as presented. None opposed, motion carried.

Public Rules Hearing: 9:45 a.m.

Ms. Molony called the Public Rules Hearing to Order at 9:48 a.m.

There were no written submissions received during the minimum of thirty days posting of rules for public input and no oral comments were received during the public rule hearing of the proposed board rules below.

❖ **Rule 75-1-.01 Organization of Board**

(1) The Board is composed of five (5) members who are appointed by the Governor. The five (5) members shall be constituted as follows: three (3) members are either a board-certified behavior analyst or a board-certified behavior analyst-doctoral and who are eligible for licensure under this chapter. One (1) member who is a board-certified assistant behavior analyst who is eligible for licensure under this chapter. Such member shall apply for licensure as soon as feasible after appointment. One (1) public member who is:

(a) Not a licensed behavior analyst or a licensed assistant behavior analyst or the spouse of such person;

(b) Has never been in the practice of applied behavior analysis or the spouse of such person; and

(c) Does not have and has never had a material interest in the practice of applied behavior analysis.

(d) Members shall serve three-year terms and until their successors are duly appointed and qualified; provided, however, that initial terms shall be staggered so that one member serves an initial term of one year, two members serve initial terms of two years, and two members serve initial terms of three years, as designated by the Governor. No member shall be appointed to more than two consecutive three-year terms.

Authority: O.C.G.A. § 43-7A-3

❖ **Rule 75-1-.02 Officers**

The Board shall initially elect from its members a Chairperson and a Vice-Chairperson. Beginning in January of 2025, and thereafter every January of odd numbered years, the Board shall elect a Chairperson and a Vice-Chairperson. Each officer shall serve a term of two years, or until their successor has been elected.

Authority: O.C.G.A. § 43-7A-3.

❖ **Rule 75-1-.03 Meetings**

Each year the full Board shall hold at least two meetings. Additional meetings may be called by the Chairperson or may be held upon the written request of any three members of the Board. Three (3) members of the Board shall constitute a quorum. Such meetings may be conducted in-person, by telephone, by virtual means, or any combination thereof.

Authority: O.C.G.A. § 43-7A-3.

❖ **Rule 75-1-.04 Public Information**

The public may obtain information from the Board by contacting the Board office located at 237 Coliseum Drive, Macon, Georgia 31217, or by visiting the Board's website.

Authority: O.C.G.A. § 43-7A-4.

❖ **Rule 75-2-.01 Fees**

Refer to fee schedule for appropriate fees payable to the Board. Fees may be reviewed and changed at the discretion of the Board. Any request for refund must be submitted in writing.

Authority: O.C.G.A. § 43-7A-4.

❖ **Rule 75-3-.01 Procedural Rules**

The Georgia Behavior Analyst Licensing Board hereby adopts by reference as its permanent rules Chapter 295 Joint Secretary, Professional Licensing Boards, and any future amendments thereto, of the Rules and Regulations of the Office of the Division Director, Professional Licensing Boards Division.

Authority: O.C.G.A. § 43-7A-4.

Ms. Osborne motioned, Mr. Lund seconded, and the Board voted to adopt Board Rules 75-1-.01 Organization of the Board, 75-1-.02 Officers, 75-1-.03 Meetings, 75-1-.04 Public Information, 75-2-.01 Fees and 75-3-.01 Procedural Rules as posted. None opposed, motion carried.

Mr. Lund motioned, Ms. Furby seconded, and the Board voted that the memo of statutory authority for all the rule revisions heard this date to be released to the Governor's office as presented. None opposed, motion carried.

In addition, Ms. Furby motioned, Ms. Osborne seconded and the Board voted that the formulation and adoption of all above rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-7A-3 and 43-7A-4 and that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-7A-3 and 43-7A-4 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Applied Behavior Analysis.

Correspondence:

- C. Manning – Please refer to the statute of O.C.G.A. § 43-7A-7 and supervision guidelines provided by the Behavior Analyst Certification Board (BACB).

Mr. Lund motioned, Ms. Osborne seconded, and the Board voted to approve for Board Staff to respond as directed to correspondences listed above. None opposed, motion carried.

Mr. Lund motioned, Ms. Osborne seconded, and the Board voted to enter Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2-(k) (4), O.C.G.A. § 43-1-19 (h) (2) & (4) to discuss and review memos from the Assistant Attorney General's Office and review previous executive session meeting minutes. Voting in favor of the motion were Board members present Molony, Lund, Furby and Osborne.

At the conclusion of Executive Session on Thursday, April 18, 2024, Ms. Molony declared the meeting into "open" session pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were taken in Executive Session.

Assistant Attorney General's Report:

Ms. Michelle Sawyer, AAG, provided a status report, which included requests for advice and/or requests for authority for proposed rules.

Ms. Osborne motioned, Ms. Furby seconded, and the Board voted to accept the Assistant Attorney General's report as presented. None opposed, motion carried.

Executive Session Meeting Minutes:

- March 28, 2024 CC Board Meeting

Recommendation:

Approve as presented

Mr. Lund motioned, Ms. Osborne seconded, and the Board voted to approve the March 28, 2024 C.C. Executive Session Board Meeting minutes as presented. None opposed, motion carried.

Misc. Discussion Items:

- Board began discussion/drafting policies for Administrative Processing of Applications, Cognizant Review of Complaints, and establishing a fine scale policy for Unlicensed Practice. This will be an ongoing agenda topic.
- Inactive Status Rule – Drafting of the rule for Inactive Status. Tabled for further review/discussion.

With no additional Board business requiring discussion, the Board meeting was adjourned at 11:32 a.m.

Minutes recorded by:

Linsey Joiner, Board Support Specialist

Minutes reviewed and edited by:

Amanda Allen, Executive Director, HC-1

MARGARET "MAGGIE" MOLONY

Board Chair

AMANDA ALLEN

Executive Director

Minutes approved: **May 16, 2024**

STATE OF GEORGIA
COUNTY OF BIBB

AFFIDAVIT SUPPORTING CLOSING OF PUBLIC MEETING

The Georgia Open Meetings Act, O.C.G.A.50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meetings to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon. O.C.G.A.50-14-4(b).

Comes now, Margaret Molony, the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the Georgia Behavior Analyst Licensing Board.
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On April 18, 2024, this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The legal authority for the closure of this meeting was O.C.G.A. 43-1-2(k) and 43-1-19(h).
5. The subject(s) discussed and the underlying facts supporting the closing of this meeting are:

SUBJECT DISCUSSED:	LEGAL AUTHORITY
Investigations including reports and deliberations	O.C.G.A. Sect. 43-1-19(h)(2)&(4)
Applications	O.C.G.A. Sect. 43-1-2-(k)(1)(2)
Exams (including questions, materials and deliberations)	O.C.G.A. Sect. 43-1-2(k)(3)(4)
Attorney General's Report (certain matters of attorney/client privilege)	O.C.G.A. Sect. 50-14-2(1)
Investigative Interviews if part of disciplinary	O.C.G.A. Sect. 43-1-19(4)
Probation Report (employer and self report)	O.C.G.A. Sect. 50-18-72(G)(2)
Probation Reports (medical information)	O.C.G.A. Sect. 50-18-72(G)(2)
Executive Session Minutes	O.C.G.A. Sect 50-14-4
Cognizant Member's Report	O.C.G.A. Sect. 43-1-2(k)(4)
Voting	None (must be in open session)

FURTHER THE AFFIANT SAYETH NOT

PRESIDING OFFICER [Signature]

Sworn and subscribed before me this 18th day of April, 2024
Deborah A. Horton

Notary Public
My commission expires: JANUARY 18, 2025

