

OHIO BOARD OF PSYCHOLOGY
DRAFT MEETING MINUTES
THURSDAY JANUARY 26, 2017
RIFFE CENTER, 1960
77 S. HIGH ST. COLUMBUS, OH 43215

BOARD MEMBERS

President: Alice Randolph, Ed.D., Psychologist Member, 2020
Secretary: Steven Keller, J.D., Consumer Advocate Member, 2018
Charles Hoffman, MSW, Consumer Advocate Organization Rep. Member, 2017
Denise Rabold, Ph.D., Psychologist Member, 2018
Douglas Cole, Ph.D., School Psychologist Member, 2018
Bradley Hedges, Ph.D., Psychologist Member, 2019
Kate Borges, Consumer Advocate Member, 2021
Kenneth P. Drude, Ph.D., Psychologist Member, 2021

STAFF/BOARD LEGAL COUNSEL PRESENT

Ronald Ross, Ph.D., CPM, Executive Director; Carolyn Knauss, Investigator; Amanda Danko, Investigator; Roger F. Carroll, Principal Assistant Attorney General and Board Counsel

9:30AM MEETING CALLED TO ORDER BY DR. RANDOLPH

DR. RABOLD CALLED THE ROLL:

Dr. Randolph	Present
Mr. Keller	Absent
Mr. Hoffman	Present
Dr. Cole	Present
Dr. Rabold	Present
Dr. Hedges	Present
Mrs. Borges	Present
Dr. Drude	Present

APPROVAL OF OCTOBER 6, 2016 BUSINESS MEETING MINUTES

Dr. Drude made a motion to approve the minutes as presented, seconded by Mr. Hoffman.

A vote was taken:

Aye: Dr. Randolph, Dr. Drude, Dr. Rabold, Dr. Cole, Mr. Hoffman; Dr. Hedges

Nay: None

Abstain: Mrs. Borges

The motion passed.

PRESIDENT'S REPORT

Dr. Randolph welcomed two appointees to the Board—Dr. Ken Drude, who was reappointed, and Mrs. Kate Borges, appointed to the vacant consumer advocate position. Introductions and welcomes were exchanged. Dr. Randolph called attention to the statutory requirement to appointment of the Board's Entrance Examiner annually, described the responsibilities, and noted that Dr. Ross has served in that capacity since 2001. Dr. Hedges made a motion to appoint Dr. Ross to serve as Entrance Examiner for 2017, a motion seconded by Dr. Drude.

A vote was taken:

Aye: Dr. Randolph, Dr. Drude, Dr. Rabold, Dr. Cole, Mr. Hoffman; Dr. Hedges, Mrs. Borges

Nay: None
 Abstain: None

The motion passed.

Next, Dr. Randolph reminded the members of the Board to complete their 2016 Financial Disclosure Statements for the Ohio Ethics Commission, deadline May 15, 2017. She also noted that the annual 2017 Ohio Ethics Law training announcements have been made, and forwarded by email from Dr. Ross.

Dr. Randolph presented Dr. Ken Drude's qualifications to be nominated for the Member-at-Large position on the ASPPB Board of Directors. Dr. Drude expressed his interest in being nominated and serving, and noted the substantial volunteer time commitment that must be made. Dr. Cole made a motion that the Board formally nominate Dr. Drude in accord with the processes set forth by ASPPB; Dr. Rabold second.

A vote was taken:

Aye: Dr. Randolph, Dr. Drude, Dr. Rabold, Dr. Cole, Mr. Hoffman; Dr. Hedges, Mrs. Borges
 Nay: None
 Abstain: None

The motion passed.

RECESS FOR PUBLIC ADJUDICATION HEARING IN RE: MARCIA J. WEBER

Dr. Randolph gaveled the Board into a *Goldman* hearing in the matter of Marcia J. Weber, Psy.D., License #4931.

DR. RABOLD CALLED THE ROLL:

Dr. Randolph	Present
Mr. Keller	Absent
Mr. Hoffman	Present
Dr. Cole	Present
Dr. Rabold	Present
Dr. Hedges	Present
Mrs. Borges	Present
Dr. Drude	Present

Mr. Carroll presented the case against Dr. Weber, who had withdrawn a prior request for a hearing in response to receipt of a Notice of Opportunity for Hearing issued on April 14, 2016.

Following presentation of the evidence, Dr. Hedges made a motion that the Board enter quasi-judicial deliberations related to *Goldman* proceedings in re: Weber; Dr. Rabold second.

DR. RABOLD CONDUCTED A ROLL CALL VOTE TO ENTER QUASI-JUDICIAL DELIBERATIONS:

Dr. Randolph	Yes
Mr. Hoffman	Yes
Dr. Rabold	Yes
Dr. Hedges	Yes
Mrs. Borges	Yes
Dr. Drude	Yes

Dr. Cole Abstain

Dr. Cole announced that he would not participate in deliberations, and he, the staff, and Mr. Carroll left the room.

At 10:03AM, the Board announced that it had completed its deliberations and drafting of an Order, and staff and Dr. Cole rejoined the meeting.

The hearing was adjourned, and Dr. Randolph called the business meeting back to order.

DR. RABOLD CALLED THE ROLL:

Dr. Randolph	Present
Mr. Keller	Absent
Mr. Hoffman	Present
Dr. Cole	Present
Dr. Rabold	Present
Dr. Hedges	Present
Mrs. Borges	Present
Dr. Drude	Present

Dr. Hedges offered a motion that the license of Dr. Weber shall be revoked permanently; Dr. Drude second.

A vote was taken:

Aye: Dr. Randolph, Dr. Drude, Dr. Rabold, Mr. Hoffman; Dr. Hedges, Mrs. Borges

Nay: None

Abstain: Dr. Cole

The motion passed.

Dr. Randolph announced that the Board Order had been drafted during deliberations, and she directed Dr. Ross to complete clerical processes necessary to format and print the Permanent Revocation Order for signatures or signature stamps of the voting members and to mail the Order. Mr. Carroll excused himself from the meeting due to a pre-existing commitment.

ENTRANCE EXAMINER REPORT

Dr. Ross sought approval of the FY17 Quarter 2 Entrance Examiner's Report distributed with the agenda:

PSYCHOLOGISTS

<u>Number</u>	<u>Name</u>	<u>Issued</u>
7494	ANDREA WINCHESTER	10/11/2016
7495	ALLISON BLACKBURN	10/11/2016
7496	ERIN GREENE	10/11/2016
7497	VICTORIA LIAO	10/11/2016
7498	CATRINA LITZENBURG	10/11/2016
7499	ANN LEVINE	10/11/2016
7500	JACQUELYN DOXIE KING	10/11/2016
7501	ASHLEY KROON VAN DIEST	10/11/2016
7502	MEGAN SCHAECHER-PECEK	10/11/2016

7503	KRISTIN ANDERSON	10/11/2016
7504	ANTHONY BRINE	10/11/2016
7505	MARTHA LEFFLER	10/11/2016
7506	MEGAN CONRAD	10/11/2016
7507	RACHELLE RAMSEY	10/11/2016
7508	ERICA BIRKLEY	10/11/2016
7509	DRAKE STEED	10/11/2016
7510	JOSE MORENO	10/11/2016
7511	MARILYN SAMPILO	10/11/2016
7512	MICHELLE STOYELL-CONTI	10/11/2016
7513	WINNIE CHUNG	10/11/2016
7514	LAUREN FISHBEIN	11/22/2016
7515	RANADA COOPER	11/22/2016
7516	MARIA JENEI	11/22/2016
7517	RACHEL SPARN	11/22/2016
7518	ANGELA SCOTT	11/22/2016
7519	JAMIE TRAVIS	11/22/2016
7520	CODY HOSTUTLER	11/22/2016
7521	JOSEPH CREEDON	11/22/2016
7522	LORA BLACK	11/22/2016
7523	KIMBERLY BRZEWOWSKI	11/22/2016
7524	ELIZABETH WILLIAMS	11/22/2016
7525	PATRICK YINGLING	11/22/2016
7526	KAREN HURLEY	11/22/2016
7527	ALLISON HOULE	11/22/2016
7528	DAWN CREED	11/22/2016
7529	MEAGAN ADLEY	11/22/2016
7530	NANCY GRAU	11/22/2016
7531	JUSTIN SHELTON	11/22/2016

CERTIFIED OHIO BEHAVIOR ANALYSTS

<u>Number</u>	<u>Name</u>	<u>Issued</u>
COBA.283	LISA KUTZLEY	10/11/2016
COBA.284	CARRIE WALLS	10/11/2016
COBA.285	SARAH CONNOLLY	10/11/2016
COBA.286	TARA HUMPHREY	10/24/2016
COBA.287	NICOLE PETRELLA	10/24/2016
COBA.288	KRISTEN SELL	10/24/2016
COBA.289	MARIA HELTON	10/24/2016
COBA.290	AMANDA GILLEN	10/24/2016
COBA.291	CARRIE MILLER	10/24/2016
COBA.292	SAMANTHA PLATKO	10/24/2016
COBA.293	KATHERINE SOUTHALL	11/1/2016
COBA.294	SANDRA LEHR	11/1/2016
COBA.295	AMANDA LIVENGOOD	11/7/2016
COBA.296	RAMA SAMAVEDA	11/7/2016
COBA.297	ADRIENNE OAKS	11/7/2016
COBA.298	SARAH LENOW	11/28/2016

COBA.299 TAYLOR GERMAIN

12/8/2016

SCHOOL PSYCHOLOGISTS

No licenses issued

NON-RESIDENT TEMPORARY PERMITS

<u>Name</u>	<u>Jurisdiction</u>	<u>Issued</u>
JEAN OTINNA (TELEPSYCH)	CA	10/18/2016
TAMMY CORBETT-ALDERMAN	WV	11/28/2016
DANIEL SWERDLOW-FREED	MI	11/29/2016

Dr. Hedges made a motion to approve the report; Dr. Drude second.

A vote was taken:

Aye: Dr. Randolph, Dr. Drude, Dr. Rabold, Dr. Cole, Mr. Hoffman; Dr. Hedges, Mrs. Borges

Nay: None

Abstain: None

The motion passed.

EXECUTIVE DIRECTOR'S REPORT

Dr. Ross reviewed the following reports and information with the Board:

- 1) Ohio eLicensing 3.0 design and "go live" goal

Updates were provided about the progress during and in between the new database sprint design sessions, and Dr. Ross applauded the work of the staff on data migration and 3.0 site design being done with DAS-OIT and Deloitte consultants. In response to Dr. Ross' request, there was consensus that existing license numbers should be maintained without alteration such as "leading zeros." Future license numbers will all be four digits.

- 2) Supervision cap rule change effective 1/16/17. There was consensus to announce the change to the supervision cap using the Board list serve.
- 3) Budget Report-Expenditure and Revenue Detail
- 4) Budget Report—FY17 Q2 Payroll Detail
- 5) Enforcement Stats Running Q2
- 6) Licensing/Certification Detail
- 7) Retired status reinstatement rule correction*

Dr. Ross presented a rule correction based on discussion during a previous meeting and consultations with stakeholders—indicating that the intention was to not penalize a retired licensee seeking reinstatement:

4732-1-06 Biennial registration.

- ...(D) Any license that expires pursuant to section 4732.14 of the Revised Code may be reinstated by the board within five years after such expiration, on request of the expired license holder. Absent any grounds for denial as set forth in section 4732.17 of the Revised Code, and pursuant to section 4732.18 of the Revised Code, such reinstatement

- (1) Shall be automatic if requested within one year, upon immediate payment of the biennial registration fee plus the penalty fee in effect at the time of the request and:
 - (a) Upon receipt in the board office of a certified record from the Ohio psychological association or the Ohio school psychologists association of having completed the CE requirements that were in effect at the time of the most recent license renewal deadline; or
 - (b) Without such evidence if the fees and/or CE requirements are waived or excused, in writing, pursuant to section 4732.14 and/or division (F) of section 4732.141 of the Revised Code; or
- (2) After one year following the expiration of a license the board shall require:
 - (a) Payment of the biennial registration fee in effect at the time of the request for reinstatement plus the penalty fee, unless the board waives the fees pursuant to section 4732.14 of the Revised Code, with no part of these fees being refundable regardless of the outcome of the request for reinstatement; and
 - (b) Approval by the board of the individual's ~~notarized~~ statement, under oath, describing his/her psychological activities after the date that the licensed expired pursuant to section 4732.14 of the Revised Code; and
 - (c) Acceptance by the board of evidence of having completed, either during the previous two years or during the biennium, the CE requirements that were in effect for the biennium prior to the last regular license renewal anniversary unless the board excuses, in writing, the licensee from all or any part of the CE requirements pursuant to section 4732.14 or division (F) of section 4732.141 of the Revised Code and paragraph (C)(9) of rule 4732-2-01 of the Administrative Code; and
 - (d) If deemed necessary by the board to determine the current competency of the applicant, passing an examination administered under the direction of the board and described in section 4732.11 of the Revised Code.
- (E) Any license that is placed into retired status pursuant to section 4732.142 of the Revised Code may be reinstated by the board within five years after the license is placed into retired status, without penalty, on request of the "psychologist-retired" or "school psychologist-retired." Absent any grounds for denial as set forth in section 4732.17 of the Revised Code, such reinstatement
 - (1) Shall be automatic if requested within one year, upon immediate payment of the biennial registration fee in effect at the time of the request and:
 - (a) Upon receipt in the board office of a certified record from the Ohio psychological association or the Ohio school psychologists association of having completed the CE requirements that were in effect at the time of the most recent license renewal deadline; or
 - (b) Without such evidence if the fees and/or CE requirements are waived or excused, in writing, pursuant to section 4732.14 and/or division (F) of section 4732.141 of the

Revised Code; or

- (2) After one year following placement of the license into retired status the board shall require:
- (a) Payment of the biennial registration fee in effect at the time of the request for reinstatement ~~plus the penalty fee~~, unless the board waives the fees pursuant to section 4732.14 of the Revised Code, with no part of these fees being refundable regardless of the outcome of the request for reinstatement; and
 - (b) Approval by the board of the individual's ~~notarized~~ statement, under oath, describing his/her psychological activities after the date that the license was placed into retired status pursuant to section 4732.142 of the Revised Code; and
 - (c) Acceptance by the board of evidence of having completed, either during the previous two years or during the biennium, the CE requirements that were in effect for the biennium prior to the last regular license renewal anniversary unless the board excuses, in writing, the licensee from all or any part of the CE requirements pursuant to section 4732.14 or division (F) of section 4732.141 of the Revised Code and paragraph (C)(9) of rule 4732-2-01 of the Administrative Code; and
 - (d) If deemed necessary by the board to determine the current competency of the applicant, passing an oral examination administered under the direction of the board and described in section 4732.11 of the Revised Code.
- 8) COBA CE rule change proposal*

Dr. Ross explained the purpose of several proposed rule changes, supported by the Association of Behavioral Analysts-Ohio, designed to decrease confusion and use existing CE data attached to the BCBA recertification during renewal. This will decrease regulatory requirements and maintain the integrity of the CE data make the COBA renewal process less cumbersome. Rule drafts were presented, and typos were corrected, leading to the following draft amendments being put before the Board:

4783-1-01 Application for certification.

- (A) All applicants for certification as a certified Ohio behavior analyst shall file an application with the board, under oath ~~and duly notarized, on a form in a format~~ prescribed by the board and accompanied by the appropriate fee.
- (B) In accord with division (A) of section 4783.04 of the Revised Code, all applications for certification shall include:
 - (1) Written verification from the “Behavior Analyst Certification Board” or its successor organization that the person holds a current, valid certificate as a board certified behavior analyst or determination by the board that the applicant has met the equivalent requirements pursuant to criteria set forth in paragraph (B)(1)(a) of rule 4783-4-01 of the Administrative Code;

- ~~(2)~~ (2) The grade transcript, bearing official seal, sent directly to the board office by each graduate university or college attended by the applicant;
- ~~(3)~~ (3) Notarized statements from those persons who have supervised the applicant's professional work experience in applied behavior analysis shall be submitted on a form prescribed by the board, incorporated herein by reference as form PSY COBA SUP 1 and available on the board's website www.psychology.ohio.gov. Said statements shall set forth the supervisor's own qualifications, familiarity with the applicant, the extent of the supervision over such applicant, the inclusive dates and number of hours of work supervised, the number of individual and group supervision hours weekly, and an evaluation of the applicant's performance;
- ~~(4)~~ (4) A completed, notarized application on a form prescribed by the board, incorporated herein by reference as form PSY COBA APP 1 and available on the board's website www.psychology.ohio.gov.
- ~~(5)~~ (5) Not less than three letters of reference from individuals substantially familiar with the applicant's professional conduct, competencies, and personal character. The letters shall be sent directly to the board office and shall come from:
- (a) A psychologist or a school psychologist licensed by this board; or
 - (b) A psychologist or a school psychologist licensed by another state, territory, the District of Columbia, or Canada when the supervised experience took/takes place in that other jurisdiction or the psychologist or the school psychologist is/was practicing legally in Ohio; or
 - (c) A board certified behavior analyst in good standing certified by the "Behavior Analyst Certification Board"; or
 - (d) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code; or
 - (e) A certified Ohio behavior analyst.
- (C) The application for certification shall be deemed to lapse if the applicant has not successfully completed all requirements for certification within three years after initial filing. Thereafter, a new application shall be necessary for a candidate to pursue certification.
- (D) The entrance examiner appointed by the board pursuant to division (A) of section 4732.10 of the Revised Code shall determine whether an applicant meets the requirements of the applicable division (A) of section 4783.03 of the Revised Code. If the entrance examiner determines that an applicant does not meet the requirements, the examiner shall propose to deny the application.

4783-1-03 Biennial registration.

- (A) Each certified Ohio behavior analyst shall register on a biennial basis pursuant to division (A) of section 4783.05 of the Revised Code, including the continuing education (CE) information required by division (B) of section 4783.05 of the Revised Code and rule 4732-

2-01 of the Administrative Code (CE requirements). Registration shall be ~~on a form provided in a format prescribed~~ by the board and shall include information deemed necessary by the board. ~~Forms will be~~ Notification of renewal requirements will be mailed emailed to the last known email address of each certificate holder no later than sixty days prior to certificate expiration. Failure to register and pay the biennial registration fee by the thirty-first day of August of each even-numbered year after the year of certification will result in automatic expiration of the certification unless the board has excused, in writing, a certificate holder from all or any part of the CE requirements pursuant to paragraph (C)(9) of rule 4783-2-01 of the Administrative Code.

- (B) The board hereby waives the registration fee and CE requirements of a certified Ohio behavior analyst during such time as said certificate holder is on active duty in the armed forces of the United States, provided the registration form is completed and exemption from the fee and CE requirements is requested and approved by the board.
- (C) Any certificate suspended pursuant to paragraph (A) of this rule may be reinstated by the board within five years after such expiration, on request of the certificate holder who failed to timely renew the certificate. Absent any grounds for denial as set forth in section 4783.09 of the Revised Code, such reinstatement:
- (1) Shall be automatic if requested within one year, upon immediate payment of the biennial registration fee plus the penalty fee in effect at the time of the request and:
 - (a) The certificate holder demonstrates active certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization; or
 - ~~(a)~~ (b) Upon receipt in the board office of a report from ~~the behavior analyst certification board~~, the Ohio psychological association or the Ohio school psychologists association of having completed the CE requirements that were in effect at the time of the most recent certificate renewal deadline; or
 - ~~(b)~~ (c) Without such evidence if the fees and/or CE requirements are waived or excused, in writing, pursuant to paragraph (B) or paragraph (C) of this rule; or
 - (2) After one year following such suspension shall require:
 - (a) Payment of the biennial registration fee in effect at the time of the request for reinstatement plus the penalty fee, unless the board waives the fees pursuant to paragraph (B) or paragraph (C) of this rule, with no part of these fees being refundable regardless of the outcome of the request for reinstatement; and
 - (b) Approval by the board of the expired certificate holder's ~~notarized~~ statement, under oath, describing his/her professional activities after the date of expiration of the certificate; and
 - (c) The certificate holder demonstrates active certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization, or

~~Acceptance~~ acceptance by the board of evidence of having completed, either during the previous two years or during the biennium, the CE requirements that were in effect for the biennium prior to the last regular certificate renewal anniversary unless the board excuses, in writing, the certificate holder from all or any part of the CE requirements.

4783-2-01 Scope, responsibilities, and requirements for continuing education.

- (A) Scope. Every certified Ohio behavior analyst subject to continuing education (CE) requirements as set forth in division (B) of section 4783.05 of the Revised Code shall meet the requirements of that section.
- (B) Responsibilities:
- (1) In accordance with the requirements of sections 4783.05 of the Revised Code, it shall be the responsibility of each certified Ohio behavior analyst submitting a biennial registration of a certificate to certify to the board that the ~~continuing education~~ CE experience required for certificate renewal has been completed. Other than as provided for in paragraph (C)(8) of rule 4783-2-01 of the Administrative Code, each certificate holder shall complete biennially no fewer than twenty three hours of approved ~~continuing education~~ CE substantially relevant to the practice of applied behavior analysis, including no fewer than four hours in ethics and professional conduct and/or the role of culture and/or ethnic identity in the provision of applied behavior analysis services.
 - (2) Certificate holders who demonstrate active certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization at the time of submitting a biennial registration of a certificate or request for reinstatement of an expired certificate shall be deemed to have completed sufficient biennial CE to meet the requirements of paragraph (B)(1) of this rule and to have certified to the board that the CE requirements have been met.
 - ~~(2)~~ (3) For certificate holders who do not demonstrate active certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization at the time of submitting a biennial registration of a certificate, CE may be applied to meet the requirements of paragraph (B)(1) of this rule if both of the following requirements are met:
 - (a) It is obtained through a program or course approved by the board, the “Behavior Analyst Certification Board,” the “Ohio Psychological Association,” the “Association of Black Psychologists,” the “American Psychological Association,” the “Ohio School Psychologists Association,” or the “National Association of School Psychologists”; and
 - (b) Completion of the program or course is recorded with ~~the “Behavior Analyst~~

~~Certification Board,~~ the “Ohio Psychological Association,” or the “Ohio School Psychologists Association.”

- ~~(3)~~(4) The state board of psychology may disapprove any program or course that has been approved by the “Behavior Analyst Certification Board,” the “Ohio Psychological Association,” the “Association of Black Psychologists,” the “American Psychological Association,” the “Ohio School Psychologists Association,” or the “National Association of School Psychologists. Such program or course may not be applied to meet the requirement of paragraph (B)(1) of this rule.
- ~~(4)~~(5) Each certificate holder shall personally maintain CE records for three years following the renewal deadline for which the credits were used to satisfy requirements for certificate renewal.
- ~~(5)~~(6) Each certified Ohio behavior analyst shall be given a sufficient choice of ~~continuing education~~ CE acceptable to the board to ensure that each person has had a reasonable opportunity to participate in ~~continuing education~~ CE that is relevant to that person’s practice in terms of subject matter and level. This requirement shall be judged to be met so long as a certified Ohio behavior analyst does not register a challenge and supply adequate documentation in writing to the board by March first of the year of required biennial registration. The board shall arrange for appropriate ~~continuing education~~ CE to be made available in case of a valid challenge. The validity of a challenge, as judged by the board, shall be binding.
- (C) Requirements for certificate holders who do not demonstrate active certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization at the time of submitting a biennial registration of a certificate:
- (1) Hours to be applied toward the CE requirements shall represent actual time spent in continuing education that meets the requirements set forth in this rule.
 - (2) Any certified Ohio behavior analyst shall be given credit, as defined in paragraph (K) of rule 4732-3-01 of the Administrative Code, for participation in any CE program or course that is not specifically disapproved by the board as provided for under paragraph (C)(5) of this rule and that is designated as acceptable by a relevant accrediting authority as specified in paragraph (A)(1) of rule 4783-2-02 of the Administrative Code as meeting the following criteria:
 - (a) The program or course is presented within an organizational structure that assures accountable administrative control, accurate record of course participation/attendance, and professional responsibility for course design and implementation;
 - (b) The specific program or course is relevant to the practice of behavior analysis in terms of subject matter and level;
 - (c) Completion of the program or course is registered with the ~~“Behavior Analyst~~

~~Certification Board,~~ the “Ohio Psychological Association,” or the “Ohio School Psychologists Association” according to policies and fee structures set by those organizations.

- (3) Upon petition to the board by a certified Ohio behavior analyst requesting to acquire qualifying CE hours by pursuing specific relevant knowledge or skills through continuing education that would not qualify under paragraph (C)(2) of this rule, the board, at its discretion and on a case-by-case basis, may grant CE credit for such work if it is deemed significantly relevant to the certified Ohio behavior analyst’s professional education.
 - (a) The petition, filed on a form prescribed by the board, shall contain documentation of the relevance of the CE requested.
 - (b) The number of hours of credit granted shall be determined by the board and need not match the number of hours of coursework undertaken.
 - (c) The board shall notify the petitioner in writing of its approval or disapproval and of the steps the petitioner shall take to demonstrate completion of the continuing education if the petition is approved. The board’s determination shall be binding.
- (4) The board may audit any activities submitted in satisfaction of the CE requirements and/or monitor any program approved by any authorized approving organization for CE credit, and may disallow such credit if the board determines that the offering is not in conformance with the standards of paragraph (C)(2) of this rule.
 - (a) The authorized approving organization shall be notified of any continuing education determined to be unacceptable by the board, as defined by written agreements with the "Behavior Analyst Certification Board" or contracts with the “Ohio School Psychologists Association” and/or with the “Ohio Psychological Association,” and shall be required to notify all registered participants of that continuing education of its unacceptability.
 - (b) If the board determines after March first of a certificate renewal year that any continuing education approved by an authorized approving organization and already completed by any certificate holder is unacceptable, then each certified Ohio behavior analyst who has completed that continuing education and who proposes to use the hours to qualify for biennial registration shall be allowed until the end of the calendar year to complete the equivalent hours of qualifying continuing education credit. For such persons:
 - (i) The certificate shall not expire if all other requirements, including the remaining CE requirements are met by August thirty-first of a relevant renewal year and if any deficiency caused by the disqualification of the continuing education is corrected by the end of that calendar year.
 - (ii) Whatever hours are completed after August thirty-first of that year and are applied to correct such deficiency shall not count toward completion of CE requirements for the subsequent biennium.

- (5) The board may, on its own initiative, approve continuing education. The board shall maintain a list of such approvals, which shall be available on the board website www.psychology.ohio.gov or upon request (accompanied by a self-addressed envelope with first-class postage affixed) to the board office and shall be provided to the “Behavior Analyst Certification Board,” the “Ohio Psychological Association,” and the “Ohio School Psychologists Association,” so that completion of such continuing education may be entered into the certificate holder’s record of CE hours maintained by those organizations.
- (6) It shall be the responsibility of the authorized approving organization to assure that all registered attendees are notified of any disapproval notice received from the board. Notwithstanding this responsibility of the authorized approving organization, it shall be the responsibility of each certified Ohio behavior analyst to complete the necessary number of approved hours of CE, whether or not the certified Ohio behavior analyst is correctly notified of the unacceptability of any disapproved continuing education.
- (7) Failure to meet CE requirements or failure to have verification of the necessary CE hours sent to the board by August thirty-first of any relevant renewal year shall result in the automatic expiration of the certificate on September thirtieth of that year, except in a case described in paragraph (C)(4) or (C)(9) of this rule. If reinstatement is desired, such individual shall be required to submit a formal request for reinstatement of the certificate.
- (8) If an applicant for certification is granted a certificate during the first year of the biennial renewal period, the certified Ohio behavior analyst is required to complete thirteen hours of continuing education for that biennial renewal period, including not less than four hours of continuing education in professional conduct and ethics, and/or the role of culture and/or ethnic identity in the provision of applied behavior analysis services. If an applicant is certified during the first three months of the second year of the biennial renewal period, the certified Ohio behavior analyst is exempt from meeting the CE requirements for that biennial period. If an applicant is certified during the last nine months of the second year of the biennial renewal period and is, therefore, not subject to renewal that same year, he/she is required to complete twenty-three hours of CE to renew in the next renewal year.
- (9) On written petition by a certificate holder setting forth convincing and compelling reason because of an unusual circumstance, emergency, or special hardship, the board may excuse all or any part of the petitioner’s CE requirements, may set conditions for excusing such requirements, and may require the certificate holder to make up CE requirements. Board approval or disapproval of any such arrangement shall be made in writing, shall be communicated promptly to the petitioner, and shall be inserted into the petitioner’s board record. Board determinations are binding. The deadline for requesting the board to excuse all or any part of CE requirements is August first of the relevant renewal year.
- (10) Falsification of written evidence submitted to the “Behavior Analyst Certification Board,” the “Ohio Psychological Association” and the “Ohio School Psychologists Association,” or to the board, or failure to respond to an audit request regarding

continuing education experience shall constitute fraud, misrepresentation, and deception, as defined in paragraph (A)(2) of rule 4783-7-03 of the Administrative Code, and shall be considered grounds for disciplinary action.

4783-2-02 Procedures for recording, filing, and reporting continuing education.

(A) Record of completion of continuing education.

- (1) Each certified Ohio behavior analyst shall arrange with the “Behavior Analyst Certification Board,” “Ohio Psychological Association” or the “Ohio School Psychologists Association,” to record and maintain the record of all CE hours, and the CE experience in which the hours were accrued, that are to be ~~submitted to the board~~ used in fulfillment of the CE requirements for certificate renewal. In accordance with the requirements of division (B) of section 4783.05 of the Revised Code, such record shall constitute the proof necessary to document completion of continuing education. The “Behavior Analyst Certification Board,” the “Ohio Psychological Association” and the “Ohio School Psychologists Association,” shall, pursuant to written agreements with the board, make determinations as to whether the CE program is substantially relevant to the practice of applied behavior analysis.
- (2) All records maintained by the “Behavior Analyst Certification Board,” “Ohio School Psychologists Association” and/or by the “Ohio Psychological Association” of CE credits that are to be ~~submitted~~ used for qualification of certificate renewal of any psychologist or any school psychologist shall be available for board review, in accordance with procedures established by the board and the record-keeping entities. Records of continuing education not ~~MADE~~ made available for board review shall not count toward the CE requirements for certificate renewal.

- (B) Upon request by the board, ~~The the~~ “Behavior Analyst Certification Board,” “Ohio Psychological Association” and the “Ohio School Psychologists Association” shall report to the board the continuing education status of each certificate holder seeking certificate renewal and registered with that organization, in accordance with the agreement signed each year by the board, approving the arrangements with the recording association.

Dr. Randolph sought a motion relative to all of the proposed rule changes above. Dr. Hedges made a motion directing Dr. Ross to initiate the required processes associated with administrative rule filing for: 4732-1-06; 4783-1-01; 4783-1-03; 4783-2-01; and, 4783-2-02 as corrected; Dr. Drude second.

A vote was taken:

Aye: Dr. Randolph, Dr. Drude, Dr. Rabold, Dr. Cole, Mr. Hoffman; Dr. Hedges, Mrs. Borges

Nay: None

Abstain: None

The motion passed.

BREAK

A brief break was held at 11:00AM.

Dr. Randolph gaveled the Board back to public session.

At 11:10AM, DR. RABOLD CALLED ROLL

Dr. Randolph	Present
Mr. Keller	Absent
Mr. Hoffman	Present
Dr. Cole	Present
Dr. Rabold	Present
Dr. Hedges	Present
Mrs. Borges	Present
Dr. Drude	Present

BOARD CONSOLIDATION PROPOSAL

Dr. Randolph led a discussion about the prospects of legislation that could abolish and consolidate the Board with the Counselor, Social Worker, and Marriage & Family Therapist Board and the Chemical Dependency Professionals Board. Concerns were expressed that this proposal would create a board with only one psychologist and no behavior analysts to represent and regulate numerous professions, including psychology, school psychology, and applied behavior analysis. The current workload of the board members includes hundreds of annual hours overseeing investigations and conducting in-person pre-licensure examinations and regulation of standards of care including specialty areas such as forensic psychology and behavior analysis. The Board is funded by license fees, and efficiency and customer service would potentially be compromised. There was discussion about how best practices and commonalities could be identified and shared among the unique independent boards within the existing structure.

NEW BUSINESS

Dr. Randolph updated the Board on potential introduction of legislation that would lead to qualified psychologists to prescribe medications and echoed the Board's standing position of supporting the concept of prescriptive authority for properly trained psychologists and the Board being prepared to write implementing rules should a bill be signed into law.

Dr. Drude announced that the PSYPact Interjurisdictional Telepsychology Compact has been introduced in Missouri and Utah, and that he is actively engaged on the ASPPB Social Media Taskforce.

Retreat logistics and agenda items were discussed. There was consensus that using a facility like Mohican is desirable and affordable. Some preliminary agenda items discussed were: Jurisprudence (oral) examination) processes; Supervision rules updates; Rule amendments to make "old law" and "new law" training supervision requirements consistent; the IME process and standards for evaluations. Dr. Ross noted that previous discussions also included the need to update the strategic plan with more broad, strategic goals and objectives for the agency.

EXECUTIVE SESSION

At 12:20PM, Dr. Cole made a motion that the Board enter Executive Session for the purpose of CONSIDERING AN INVESTIGATION OR A COMPLAINT AGAINST A BOARD LICENSE PURSUANT TO ORC 121.22 (G)(1); Dr. Hedges second.

DR. RABOLD CONDUCTED A ROLL CALL VOTE TO ENTER EXECUTIVE SESSION

Dr. Randolph	Yes
Mr. Hoffman	Yes
Dr. Cole	Yes
Dr. Rabold	Yes
Dr. Hedges	Yes
Mrs. Borges	Yes
Dr. Drude	Yes

Executive Session began at 12:20PM.

At 12:30PM, the Board concluded executive session.

DR. RABOLD CONDUCTED A ROLL CALL VOTE TO END EXECUTIVE SESSION

Mr. Keller	Yes
Dr. Drude	Yes
Mr. Hoffman	Yes
Dr. Cole	Yes
Dr. Rabold	Yes
Dr. Hedges	Yes
Dr. Randolph	Yes

Public session resumed. Dr. Randolph sought any motions relative to the disciplinary matters discussed in executive session.

Dr. Hedges made a motion to approve "Consent Agreement #1"; Dr. Cole second.

A vote was taken:

Aye: Dr. Randolph, Dr. Rabold, Dr. Cole, Mr. Hoffman; Dr. Hedges, Mrs. Borges
 Nay: None
 Abstain: Dr. Drude

The motion passed.

Kara J. Karam, Psy.D., Columbus, license #5612, was announced as the subject of the action.

Dr. Hedges made a motion to approve "Consent Agreement #2"; Dr. Rabold second.

A vote was taken:

Aye: Dr. Randolph, Dr. Rabold, Dr. Drude, Mr. Hoffman; Dr. Hedges, Mrs. Borges
 Nay: None
 Abstain: Dr. Cole

The motion passed.

Rhonda J. Lilley, Ph.D, Columbus, License #4480, was announced as the subject of this action.

ADJOURNMENT

At 12:33PM the meeting was adjourned by consensus after a motion by Dr. Drude, seconded by Dr. Rabold.

Ronald Ross, Ph.D.
Executive Director

Alice Randolph, Ed.D.
President

DRAFT