

## Legislative Update

### FABA Legislative & Governmental Affairs Update – Fall 2019 (Pre-Session 2020)

By Eric Prutsman, Esq., FABA General Counsel & Lobbyist

Since the end of the 2019 Legislative Session, FABA has continued to work on issues that surfaced when the Agency for Health Care Administration made announcements on electronic visit verification (EVV), multi-disciplinary teams (MDT), health care clinic requirements, behavior analysis policy changes, and provider rate cuts. The Legislature took the rate cuts off the table through June 30, 2020, by enacting a moratorium on the rate issue, but the other issues have moved forward at varying speeds of implementation.



Eric Prutsman  
FABA Lobbyist

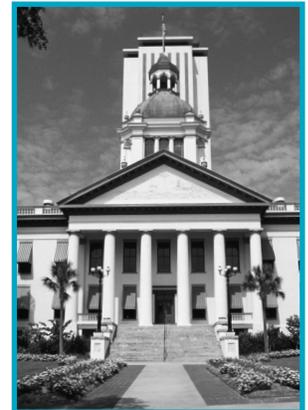
Both EVV and MDT initiatives have been transitioned into pilot projects, with MDT already underway in select counties, and EVV has been delayed until December 1, 2019, at which time it will be tested and evaluated for three months until March 1, 2020. Revisions to the Behavior Analysis Policy have been outlined in a public workshop but a draft policy has yet to be released. An earlier AHCA proposal to combine the behavior analysis policy with other interventions was shelved after FABA and other interested parties expressed significant distress about the proposal, including EPSDT concerns.

The initial announcement that group providers of behavior analysis would need to be licensed as health care clinics by December, 2019, was pushed back to June 1, 2020. However, FABA raised a concern that a June deadline would not be sufficient time for providers to become compliant if the Legislature failed to create a statutory remedy to the clinic issue and December 1, 2020, would be a more reasonable date. AHCA has agreed

to the December 1, 2020, date for behavior analysis providers.

FABA has proposed the creation of a statutory exemption from the health care clinic licensure for behavior analysts certified under Section 393.17, Florida Statutes. Section 393.17, F.S., is the statutory recognition of the certification program overseen by the Behavior Analyst Certification Board. State Representative Rene Plasencia has submitted draft language to address the exemption issue during the 2020 Legislative Session. Watch for alerts from FABA as this legislation moves forward and how you can help.

An additional issue that has recently surfaced was the denial in Brevard County of use of RBTs in the classroom. BCBAs have long been allowed in the classroom to assist



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## Memories and Updates

By Yulema Cruz, PhD, BCBA, FAB A President

This year's FAB A conference presented us with a new location, filled with opportunities to experience novel contingencies, as well as the growth of our professional "family." (thank you Past President Corey Robertson). A family that, as Past President Andrew Houvouras remarked, embodies "prestige". While reminiscing about this year's "reunion" (Past President Nikki Dickens could not have said it better), fond memories of diversity, acceptance, and collaboration continued to surface. History was made on new grounds, with the introduction of pronoun ribbons, reinforcing our family's commitment to fostering an atmosphere of diversity and inclusion. Presenters challenged our views of acceptance, biases, treatment of challenging behaviors, and ethical practices, just to name a few. Collaboration was illustrated when professionals from different disciplines came together to address critical concerns affecting the individuals whom we serve. In many ways, history was made then as well. For the first time in a long time, we celebrated the outcome of teamwork efforts in the legislative arena. Indeed, we showed increased strength as a united community. Credit, therefore, rests with families and providers, who in conjunction with community leaders, legislators and FAB A board members (lead by our Past President) volunteered invaluable time and labor, that resulted in the postponement of critical AHCA actions.

Our Executive Committee underwent a few transitions.



Yulema Cruz

Dr. Megan Miller and Matt Potak successfully completed their service as Members-at-Large. Their dedication, knowledge, voice, and quality of service enhanced our capacity to continue to "uphold ethical practices, provide high quality continuing education, as well as promote research, service, and legislation that supports behavior analysis and practitioners of behavior analysis services" (<https://www.fabaworld.org/constitution>). I am personally humbled and grateful to have served by their side. Of historical relevance, our elections this year reported increased participation. Subsequently, we welcomed new President-Elect Dr. Joshua Pritchard, and Members-at-Large Dr. Nicole Gravina, and Dr. Iser DeLeon. Our Board is once more privileged to count on their commitment to our membership and community. Next year will be our 40th Anniversary. As we prepare our biggest reunion yet, I would like to invite our family to join our Executive Board in making next year's conference a historic one.

Clarifying Note: regarding the following article on the previous newsletter entitled: "Making Conference Attendance Count Toward Experience Hours". I would like to clarify that conference attendance does not meet the BACB experience/fieldwork requirements (see the "Unacceptable Activities" section on page 7 of the Experience Standards ), nevertheless, the guidance provided on the referenced article should still be useful in strategically planning conference attendance by trainees.



## FABA'19



# FABA Elections 2019

By Nikki Dickens, 2019 Past-President

The FABA Elections process serves an important role. It is the method by which the FABA Board receives new Board members ready to help the membership overcome obstacles and increase our statewide presence. Current members (as of the end of the year) are eligible for nomination.



Nikki Dickens

This year, FABA received nominations for numerous individuals for each open position. Following the elections protocol, the members with the highest frequency of nominations in each category are included on the ballot. With two Members-At-Large positions to fill in addition to the President-Elect position, our 2019 ballot included several worthy individuals.

Ties in the frequency of nominations resulted in three names listed per each Member-at-Large position: Michelle Castanos, Nicole Coughlin, Iser “Willie” DeLeon, Nicole Gravina, Shane Spiker, and Amanda Wesson. 272 members voted! After a highly successful election, Dr. Nicole Gravina and Dr. Iser DeLeon were elected to the Board.

All candidates for both positions were informed of the outcome of the vote in mid-August and were encouraged to run again in the future. As a reminder, members may vote for two individuals for the Member-at-Large positions

and one individual for president and have the option to only vote for a single individual or decline to vote in either category. A breakdown of the voting numbers is presented below:

## **Name / Votes Received**

Michelle Castanos – 71

Nicole Coughlin – 28

Iser DeLeon – 130

Nicole Gravina – 121

Shane Spiker – 89

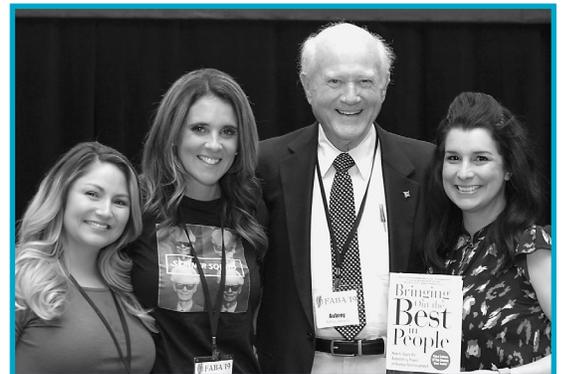
Amanda Wesson – 56

***Congratulations, Dr. DeLeon and Dr. Gravina!***

For the position of President-Elect, two members received the highest number of nominations: Baker Wright and Josh Pritchard. After a nail-biting run, Dr. Pritchard with 149 votes, was elected as FABA’s incoming President-Elect. Dr. Baker received an impressive 115 votes as well.

If you know someone who would like to serve the FABA membership, nominate them in the summer of 2020. I’ve enjoyed serving as FABA’s Past-President this past year and, as the primary job of the past-president is to serve as the Elections Chair, I was excited to see so many nominations and member involvement as this keeps our association’s legacy alive!

## FABA’19



# Ethics Anyone?

By Authors Jon Bailey and Mary Burch

## Trainee Goes Off the Rails, HR Blocks Termination

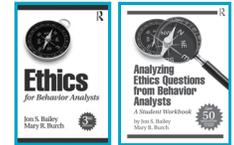


Jon Bailey, PhD



Mary Burch, PhD

*NOTE TO READERS: This is the 43rd in a series of articles on ethics where we answer questions from behavior analysts. Note: This question came in through the ABAEthicsHotline.com*



**QUESTION:** “I oversee roughly 30 BCBA’s across 12 clinics in the mid-west. Recently, one of my clinics has been placed in a tight spot thanks to questionable behavior on the part of a trainee who has yet to sit for his RBT competency with us. There have been frequent documented accounts of the trainee’s poor performance. This would include the following: Engaging in sexually explicit language in front of children 2-7 years of age, informing BCBA’s and RBT trainers that he would notify the Board (or initiate a lawsuit) if they did not pass him on his RBT competency, notifying said staff (including the clinical director) that he knew where they lived, swearing in front of clients, frequent attendance and last-minute call in issues. There have been a variety of other documented insubordinations as well.



It is also important to keep in mind, again, that this person is in training and this has all occurred within the first 2-3 weeks of the trainee’s employment with us. Nearly all staff--that being five BCBA’s, Clinical Director Assistant Clinical Director, and most of the RBTs--have noted that they do not feel safe around this trainee; they fear for the safety of the children, they do not leave the clinic alone, and that they are considering hiring security personnel.

The obvious solution would be to terminate the trainee. However, our human resources department continues, unbelievably, to push for the BCBA’s to administer the RBT competency assessment fearing a lawsuit if he is refused. The BCBA’s are reluctant to administer the assessment as the trainee has clearly demonstrated his incompetence in a variety of professional areas and will obviously fail. As their supervisor

within the organization, I feel it is my duty to represent and protect them from threats made to their certification not to mention their physical safety, and their client’s as well. I support them in this reluctance and am informing HR that the staff will not be administering the competency assessment to the trainee.

I would love to speak with someone on this matter to ensure my own behavior is congruent ethically, that I’m protecting the BCBA’s, and that the matter is dealt with professionally.”

**ANSWER:** It seems that you are totally justified in refusing to test this individual given the erratic behavior that he as demonstrated and the implicit and explicit threats he has made against the other RBTs and BCBA’s. To force them to do this would create a hostile work environment and cause them to initiate a lawsuit against your organization.

It is hard to understand why your HR department would insist on having your BCBA’s conduct a competency test with this trainee. You should meet with HR and ask for an explanation in writing given the possible risks to your staff. If HR continues to push for this, insist that one of them be in the room when the competency test is administered.

The rational solution to this problem is to fire the person immediately (assuming you have all of the above described incidents well documented) and then proceed to file a Notice of Alleged Violation against him with the BACB. I would include affidavits from the individual’s affected by him. Note that the person filing the Notice needs to be someone with first-hand knowledge of the situation. Best of luck and please let us know how this turns out.



# FABA'19



# “You Don’t Get It” – Autism’s Curious Response to the Field of ABA: Part II

By Matt Briere-Saltis

This article is the second in a multi-part series exploring the growing trend of adults with autism. “Autistics” is their preferred terminology and they are taking to social media and the internet to advocate for more humane social and clinical interactions with the autistic population. Sometimes referred to as a “neuro-diversity” movement, there is a growing wave of sentiment that some of us who dedicate our lives to trying to help folks with autism and/or related disorders are missing the mark in certain areas. Here we investigate those claims and their relevance to the field of ABA.



Matt Briere-Saltis

Many adult Autistics have taken to online blogs to express unfavorable opinions of the outpatient therapies they received as a child. They describe experiences where they felt frustrated with aspects of their treatments including commonly associated features like physical prompting, repetitive trials, and social skills targets that felt arbitrary. Many of the concerns shared on the Autistic Self Advocacy Network (ASAN) website focused on the use of aversive consequences and therapeutic outcomes that attempt to make the behavior of the learner “blend in” with the social behavior of their peers. A matter of omission articulated by a number of advocates is that there is a lack of successful vocational training for people with autism as they approach their later teen and adult years. It may be important to note when considering these opinions that many members of the Autistics movement are self-diagnosed as having autism, as opposed to having a formal medical or psychological evaluation by a licensed clinician.

There are, however, many veins of agreement between policy recommendations made by the ASAN and the ethical guidelines published by our own BACB. Some examples of therapeutic outcomes endorsed by many of the Autistic authors are: coping with sensory overload, independence with self-care, promoting self-determination, and allowing the learner’s underlying personality and preferences to be freely expressed. These largely align with the various ethical guidelines for ABA regarding client rights, such as Code 4.02 which directs

behavior analysts to *involve clients in planning and to gain consent*. Many of the concerns outlined in the experiences documented by members of this neuro-diversity movement would have been alleviated or avoided if the practitioners with whom they had negative experiences had adhered to these essential ethical codes.

Perhaps there are vocal minorities expressing personal opinions that may not align with the population as a whole; this thought would be unreasonable to disregard. Yet in turn, many of these stories contain themes and individual experiences that we can draw from in good faith to better inform our practices and our consideration of the fundamental rights of those people with whom we work. Many Autistics have written passionately about the importance of issues such as protecting the autonomy of individuals with autism, teaching rights and self-advocacy skills, and the aforementioned access to effective vocational training, placement, and support. These are areas that the field of ABA has long agreed are important in producing better quality of life outcomes. As our diligent policy-supporting bodies work to make vocational training more fundamentally accessible, we may have allies in the Autistics movement to bolster those points and inundate those lawmakers with their clear social media savvy. As we strive to better understand the potential effects of trauma, emotions, and a myriad of other private events, there may well be data to glean from the collective experiences and influence of this movement.

There does seem to be one outcome this is universally supported by both this neuro-diversity movement and all practitioners of ABA. That is that individuals with autism, regardless of their capabilities or proclivities, should be given the opportunity, as author Finn Gardiner states it, “to learn, work, and thrive within their community.” Surely that can serve as a unifying edict on which to foster a supportive relationship for all those involved in working toward better quality of life outcomes for people that are learning to live with autism in a decidedly strange world.



## FABA'19



# Update from the Association for Behavior Analysis of Brevard (ABAB)

By ShaeLyn Harris

The Association for Behavior Analysis of Brevard (ABAB) had a strong year building relationships with the community.

ABAB provided a variety of CEU events focused on diverse training throughout the field. In July we welcomed Dr. Katie Nicholson, professor at The Florida Institute of Technology (FIT) who presented a talk entitled, "Common IBI Practices: Evidence-Based or Clinical Lore?" In August, we were pleased to host Florida Tech graduate students Jaqueline Noto, presenting on self-care and habit development in the workplace with OBM and Nelmar Cruz who presented on OBM tools for identifying sources of performance issues. In October Ronald J. Clark, doctoral student at Florida Tech, presented, "What We Know About Pediatric Feeding Disorders". Each of these events were held in local establishments where socials occurred immediately following the presentations. The officers found holding the events in local restaurants increased exposure and potential to disseminate Applied Behavior Analysis in the community.

The Brevard chapter is comprised of officers with diverse backgrounds and this quarter they worked hard to increase exposure of behavioral science. Secretary Deidra Shubert spoke with Space Coast Daily during Alzheimer's awareness month about the benefits of using behavioral science to age gracefully while providing services to those who have dementia and Alzheimer's. Additionally, media officer Allison



ShaeLyn Harris

King held a webinar for the OBM Network for behavior analysts who were interested in broadening their skill set into OBM.

Due to the many CEU events the chapter was able to host, and the outpouring of sponsorship provided for the CoFABA conference, ABAB presented the FABA PAC with a check. The chapter donated 10% of our bank account balance to further the PAC's work fighting for the families in the state of Florida. ABAB treasurer, Kelly Therrien, presented the check during the board meeting at the FABA conference.

The chapter participated in community outreach by providing 2,000 balloons to the local autism group Supporting Our ASD kids (SOAK) for their annual Get SOAKed for Autism event. The event provided the chapter an opportunity to give back to the community and increase knowledge of ABA.

In October the local school district attempted to enact a previous law that would prevent RBT's from providing services within the schools. Local families requested the assistance of chapter president, Tiki Fiol, to present information on the importance of having RBT's in the school setting. Chapter officers rallied the community and attended the board meeting to speak on behalf of the families that would be greatly affected by the law. The hard work from the community resulted in the law being changed to ensure that families would still be allowed to receive services by RBT's within the school system.

## FABA Legislative & Governmental Affairs Update – End of Session 2019

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students with disabilities, and SB 1108 in 2013 codified the collaboration of BCBA's with public school personnel. Many counties have extended that collaboration to RBTs, however some school districts have refused. Most recently, Brevard County Schools opposed allowing RBTs, an issue that garnered substantial press and media attention. Brevard County School Board changed the policy after public outcry and testimony of parents about the critical need for RBTs in the schools.

A significant shout-out to FABA Board Member Tiki Fiol for representing FABA on the issue locally and to State Representative Rene Plasencia, who has expressed interest in clarifying the law to make sure RBTs can assist

in public schools.

Lastly, the Agency for Persons with Disabilities was asked by the Legislature to come forward with a proposal to redesign the iBudget waiver program. The Senate has already received a presentation on APD's plan in October, and House will review the redesign proposal in November. FABA met with APD Director Barbara Palmer, and pledged to assist APD's efforts to avoid budget cuts and work with legislators on the redesign. Like the clinic and RBT issues, the APD redesign issue will require advocacy from our members so watch for alerts from the FABA Action Center.

# Update from the Capital Association of Behavior Analysis (CABA)

By Christi Cherpak and Anne Perlman

The CABA chapter has had a busy but exciting fall. As part of our goals for the new Executive Board, we hosted the first Student Night for the FSU ABA graduate students. The goal of Student Night is to further their professional growth and development. Local ABA providers shared information about their companies with the graduate students.

We also hosted our first CEU event for local BCBA's; we had the honor of having Dr. Mary Riordan speak on the Threats to Behavior Analysis in Florida. Everyone agreed this was a very useful and great presentation.

CABA also participated in the Down Syndrome



Christi Cherpak



Anne Perlman

Association of Tallahassee Buddy Walk. It was a nice opportunity to support a valuable group in our community and was an exciting opportunity for student members to volunteer.

Finally, CABA went to FABA and was excited to continue our learning while hearing updates regarding services around the state. The board participated in a co-FABA meeting where everyone shared their changes and there was a decision to host RBT trainings around the state to help them better understand what they should expect from work, supervision, and ethical practice.



Mary Riordan presented at CABA



CABA Officers at FABA 2019



Mary Riordan



Tallahassee Buddy Walk





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## FABA Observer Policy

### Submission of Copy

Readers are invited to submit articles and information of general interest to FABA members. Preference is given to submissions that are e-mailed to the address below. Other submissions should be typed, double-spaced and not exceed two pages. The Editor reserves the right to edit copy to conform with newsletter style and with space limitations. Please submit to Mary Burch at the email address given below.

### Executive Committee

<i>Exec. Director</i>	<b>Amy Polick</b>	polick@psy.fsu.edu
<i>President</i>	<b>Yulema Cruz</b>	2019-2020
<i>President-Elect</i>	<b>Josh Pritchard</b>	2020-2021
<i>Past-President</i>	<b>Andrew J. Houvouras</b>	2019-2020
<i>Secretary</i>	<b>Evette Berardi-Cox</b>	2019-2021
<i>Treasurer/Media Coordinator</i>	<b>Jon Bailey</b>	
<i>Members-at-Large</i>		
	<b>Tiki Fiol</b>	2017-2020
	<b>Kerri Peters</b>	2017-2020
	<b>William Carlucci</b>	2018-2021
	<b>Kristin Myers-Kemp</b>	2018-2021
	<b>Nicole Gravina</b>	2019-2022
	<b>Iser DeLeon</b>	2019-2022

### Committee Chairs

<i>2020 Program Committee Chair</i>	<b>Nikki Dickens</b>	nikkidickens@fabaworld.org
<i>Program Committee</i>	<b>Jon Bailey, Al Murphy, Leigh Stehlik, Matt Potak, Yulema Cruz, Brandon Perez, Emma Grauerholtz Fisher</b>	
<i>Observer Editor</i>		
<i>FABA Local Chapters</i>	<b>Matt Potak</b>	
<i>Legislative Committee:</i>	<b>Mary Riordan, Yulema Cruz, Megan Miller, Matt Potak</b>	
<i>Business Manager</i>	<b>Leigh Stehlik</b>	leigh_stehlik@fabaworld.org

### Observer Editorial Board

<i>Editor</i>	<b>Mary Burch</b>
<i>Managing Editor</i>	<b>Jon Bailey</b>

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## Past Presidents

<b>Andrew J. Houvouras</b>	2018-19
<b>Nikki Dickens</b>	2017-18
<b>Corey Robertson</b>	2016-17
<b>Sharon Older</b>	2015-16
<b>Amy Polick</b>	2014-15
<b>Dawn Bailey</b>	2013-14

The full list of the FABA presidents from 1980 to the present will be added to [www.fabaworld.org](http://www.fabaworld.org).

## A FABA Advocacy Tool

*Come See Us at the  
FABA Action Center!*

[www.FABAworld.org/action-center](http://www.FABAworld.org/action-center)

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### Newsletter Submissions

The FABA Observer is published 3 times per year. Articles and accompanying high resolution photos should be sent to Editor Mary Burch: dogs@nettally.com

### Submission/Publication Dates

Rates for camera-ready 1/4 page ad (3.5 " wide x 4.75 " tall) is \$50 per issue; 1/2 page ad (7 " wide x 4.75 " tall) is \$100 per issue. Contact the FABA Business Manager for 3-issue special rates. We reserve the right to refuse any advertising.

Submit ad materials to:

**Leigh Stehlik**, FABA BUSINESS MANAGER  
leigh\_stehlik@fabaworld.org