

SEP 05 2012



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September 5, 2012

Mr. John Walstad, Code Revisor
Legislative Council
600 East Boulevard Avenue, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad:

At the June 14, 2012, meeting of the Administrative Rules Committee, a motion was passed to carry over consideration of the rules proposed by the North Dakota State Board of Psychologist Examiners. Your letter of July 3, 2012, stated it was the Committee's hope that the Board would discuss the concerns raised by the Department of Human Services, Sen. Judy Lee, and Dr. Anne Dilenschneider with those parties.

The Board met with representatives of DHS. Sen. Lee declined to participate in the meeting because her concerns would be expressed by the representatives of DHS. The parties agreed on changes to proposed N.D. Admin. Code § 66-02-01-15 which provide alternative requirements for registration of applied behavior analysts. Enclosed is the agreed upon draft of N.D. Admin. Code § 66-02-01-15. Also, enclosed is a copy of Alex Schweitzer's e-mail of August 30, 2012, indicating DHS's agreement with the changes to the rule.

Although Dr. Dilenschneider's concerns are not related to the proposed rules, the Board met with her to discuss those concerns. As a result of that discussion, the Board took several actions to address Dr. Dilenschneider's concerns. Enclosed is a copy of her e-mail to Se. Lee and Rep. Kim Koppelman expressing Dr. Dilenschneider's satisfaction with the Board's actions.

The Board has addressed the concerns with the rules raised by DHS and Sen. Lee with changes to proposed N.D. Admin. Code § 66-02-01-15. The Board requests that the Committee allow the proposed rules to become effective.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Peterson".

Bill Peterson
Assistant Attorney General

jjs

Enclosures

cc: Board of Psychologist Examiners (w/encs.)
Margo Adams-Larsen, President, Board of Psychologist Examiners (w/encs.)

Section 66-02-01-15 is created as follows:

66-02-01-15. Requirements for licensing and registering applied behavior analysts.

1. The board may grant an applied behavior analyst license to an applicant, not employed on August 1, 2011, in the practice of applied behavior analysis, who meets all of the following requirements:
 - a. The applicant has a degree from a school or college that meets one of the following requirements:
 - (1) A degree meeting the requirements of subdivision b of subsection 1 of North Dakota Century Code section 43-32-20.
 - (2) A doctorate or master's degree from a program accredited by the association for behavior analysis international or approved by the behavior analyst certification board.
 - b. The applicant has passed the board-certified behavior analyst examination offered by the behavior analyst certification board.
 - c. The applicant is certified by the behavior analyst certification board.
 - d. The applicant has passed the North Dakota oral examination.
2. The board may grant an applied behavior analyst registration to an applicant, not employed on August 1, 2011, in the practice of applied behavior analysis, who meets all of the following requirements:
 - a. The applicant has a bachelor's degree from a school or college that meets one of the following requirements:
 - (1) A bachelor's degree in a program accredited by the association for behavior analysis international.
 - (2) A bachelor's degree in a program approved by the behavior analyst certification board.
 - (3) A bachelor's degree with a major in psychology that includes all of the following coursework:
 - (a) Three semester credits, or the equivalent quarter credits, in introduction to psychology.

- (b) Six semester credits, or the equivalent quarter credits, in learning theory and behavior intervention.
 - (c) Three semester credits, or the equivalent quarter credits, in abnormal psychology.
 - (d) Four semester credits, or the equivalent quarter credits, in developmental psychology and autism spectrum disorder topics.
 - (4) A bachelor's degree with a major in a human service field that includes all of the following coursework:
 - (a) Three semester credits, or the equivalent quarter credits, in introduction to psychology.
 - (b) Six semester credits, or the equivalent quarter credits, in learning theory and behavior intervention.
 - (c) Three semester credits, or the equivalent quarter credits, in abnormal psychology.
 - (d) Four semester credits, or the equivalent quarter credits, in developmental psychology and autism spectrum disorder topics.
 - b. The applicant has passed the board-certified assistant behavior analyst examination offered by the behavior analyst certification board, or achieved a score of at least four hundred fifty on the examination for the professional practice of psychology.
 - c. The applicant is certified by the behavior analyst certification board or the North Dakota association on behavior analysis.
 - d. The applicant has provided a list of psychologists and applied behavior analysts supervising the applicant. If registered, the applicant must promptly notify the board of any changes in the list.
 - e. The applicant has passed the North Dakota oral examination.
 - 3. The board may grant an applied behavior analyst license to an applicant, employed on August 1, 2011, in the practice of applied behavior analysis, who is exempt under subsection 7 of North Dakota Century Code section 43-32-30, and meets all of the following requirements:

- a. The applicant applies before January 1, 2013.
 - b. The applicant provides a written statement from the applicant's employer that the applicant's employment remains satisfactory.
 - c. The applicant provides a letter of endorsement from the applicant's supervising psychologist.
4. The board may grant an applied behavior analyst license to an applicant, employed on August 1, 2011, in the practice of applied behavior analysis, who has a master's degree in psychology, and meets all of the following requirements:
- a. The applicant applies before January 1, 2013.
 - b. The applicant provides a written statement from the applicant's employer that the applicant's employment remains satisfactory.
 - c. The applicant provides written verification from the applicant's employer that the applicant is employed as a behavior analyst.
5. The board may grant an applied behavior analyst registration to an applicant, employed on August 1, 2011, in the practice of applied behavior analysis, who meets all of the following requirements:
- a. The applicant applies before January 1, 2013.
 - b. The applicant has a bachelor's degree.
 - c. The applicant provides a written statement from the applicant's employer that applicant's employment remains satisfactory.
 - d. The applicant provides written verification from the applicant's employer that the applicant is employed as a behavior analyst.
 - e. The applicant provides a written plan for supervision by a psychologist or applied behavior analyst. The plan must be approved by the board.

History: Effective _____.
General Authority: NDCC 43-32-08
Law Implemented: NDCC 43-32-34

Peterson, Bill G.

COPY

From: Schweitzer, Alex C.
Sent: Thursday, August 30, 2012 9:57 PM
To: licensuremal@gmail.com
Cc: Leer, Julie P.; Kolstoe, Paul D.; Peterson, Bill G.
Subject: Re: Proposed changes to the proposed Admin Code for Applied Behavior Analysts

I will when the summary is completed.

Alex

Sent via the Samsung Galaxy S™ II Skyrocket™, an AT&T 4G LTE smartphone.

----- Original message -----

Subject: Re: Proposed changes to the proposed Admin Code for Applied Behavior Analysts
From: Margo Adams Larsen <licensuremal@gmail.com>
To: "Schweitzer, Alex C." <aschweit@nd.gov>
CC: "Leer, Julie P." <jleer@nd.gov>, "Kolstoe, Paul D." <pkolstoe@nd.gov>, "Peterson, Bill G." <bgpeters@nd.gov>

Mr. Schweitzer -

Thank you for the quick reply, and the review of today's draft. In hopes of an open communication process developing, if you would be comfortable sharing the summary that is presented to others, it would most appreciated.

I thank you for taking time today to address this important issue.

Regards,

Dr. Adams Larsen

On Thu, Aug 30, 2012 at 5:19 PM, Schweitzer, Alex C. <aschweit@nd.gov> wrote:

Paul and I discussed this today – we are satisfied that the changes are consistent with the intent of SB 2158 – he is preparing a summary for Julie, Senator Lee and myself.

I doubt we will need to meet prior to the hearing – but, I will follow up with Paul and Julie.

Thank you Dr. Adams for your kind consideration.

Alex

From: Margo Adams Larsen [mailto:licensuremal@gmail.com]

Sent: Thursday, August 30, 2012 4:54 PM

To: Leer, Julie P.; Schweitzer, Alex C.; Kolstoe, Paul D.; Peterson, Bill G.

Subject: Proposed changes to the proposed Admin Code for Applied Behavior Analysts

Mr. Schweitzer, Ms. Leer, & Dr. Kolstoe-

I am attaching a copy of a draft of changes that the Board discussed at our past meeting this Monday. Essentially, the Board reviewed the comments of our phone discussion, and has gone back and pulled from language originally submitted as our draft (which had input from stakeholders, including Dr. Kolstoe) to our attorney back in December. The Board simplified this language and also attempted to broaden the educational requirements for the registered level folks. The copy attached is not a full draft of the Administrative Rules, just a draft of the new proposed wording for the educational requirements for registered level ABAs.

The Board is still interested in hearing your comments and perspectives, but I did want to let you know that I will be out of my office from Sept. 5th through Sept 11th, and I am currently scheduled to provide more testimony regarding this process on Sept. 13th.

Please let us know before this weekend if you would like us to coordinate another meeting time, as we would need to get this scheduled right away.

Regards,

Dr. Margo Adams Larsen

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Margo Adams Larsen, Ph.D.

Member, ND State Board of Psychologist Examiners

LicensureMAL@gmail.com

Readers of this email are reminded that email is neither a confidential nor private means of communication. Comments contained within this email do not represent the views of the NDSBPE, nor should this information be construed as advice.

--

Margo Adams Larsen, Ph.D.
Member, ND State Board of Psychologist Examiners
LicensureMAL@gmail.com

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COPY

Peterson, Bill G.

From: Anne Dilenschneider, Ph.D. <dradilenschneider@ideaone.net>
Sent: Monday, August 27, 2012 8:46 AM
To: Lee, Judy E.; Koppelman, Kim A.
Cc: 'Margo Adams Larsen'; Peterson, Bill G.; 'Dr. Paul Kolstoe'
Subject: RE: Follow-up re: NDSBPE conference call

Dear Judy and Kim:

On Friday, August 24, Dr. Margo Adams Larson, Dr. Paul Kolstoe, Bill Peterson, and I had a very constructive conversation about NDSPE issues, including communication, clearer presentation of the licensing requirements, and prescreening.

By the end of the call, this was the list of action items the Board plans to address:

- 1) Clarify the webpage "basic requirements" by adding "APA/CPA/ASPPB" so that the #1 requirement of "a doctoral degree in psychology" is clearly APA/CPA/ASPPB. Also be sure it is possible to access the Board minutes as well as the agendas through the website.
- 2) In the website FAQs section add some information for supervisors, including at least: a) how the NDCC and NDAC relate; b) APA/CPA/ASPPB accreditation is required; c) there are no other accrediting bodies approved by rule at this time; and d) residency paperwork should be on file as soon as possible with the Board.
- 3) Create a checklist on the web that will: a) help applicants pre- screen themselves; and b) ensure none of the requirements and none of the forms are missed.
- 4) Change the registration form so: a) it is clear that the psychology program must be APA/CPA/ASPPB accredited; and b) it is clear that no programs have been approved by rule.
- 5) There may need to be some changes to the NDAC rules or some clarifications to the rules going forward.
- 6) Psychologists who are supervising (or plan to supervise) residents may soon be required to attend a 3 CE credit training that will include some ND-specific licensing process information.
- 7) The Board wants to increase communication and clarity, and to be consistent. Some questions that arise cannot be answered immediately because they require a Board response or a response from Bill Peterson -- for those questions the Board is trying to provide answers within a month.
- 8) It's also hoped the new newsletter will help; the plan is to make sure supervisors and current applicants are aware of this resource.

Hopefully, addressing these matters (as Dr. Adams Larsen has already begun to do – see her email below and the NDSPE website) will make for a smoother licensing process for those persons who want to practice psychology in North Dakota.

Regards,
Anne Dilenschneider

Dr. Anne Dilenschneider, Ph.D.
Psychology Resident
Child and Family Therapy Associates
1121 Westrac Dr., Ste. 204
Fargo, ND 58103

Phone: 701-893-3419
Fax: 701-356-8801

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From: Margo Adams Larsen [mailto:licensuremal@gmail.com]
Sent: Friday, August 24, 2012 11:06 AM
To: Dr Anne Dilenschneider; Mr. Bill Peterson; Dr. Paul Kolstoe
Subject: Updates to the NDSBPE Website

Dr. Dilenschneider-

I wanted to again thank you for taking the time to meet with us this morning. I have spent the past hour reviewing our website and updating some of our pages with respect to your feedback. I will not highlight here all the updates, but wanted to point you to a few:

1. I have clarified in the basic requirements that a doctoral degree must be acquired from APA, CPA, or a designated program, and that no other accrediting body has been approved by rule.
2. I have also inserted on this same page specific information encouraging applicants to apply as soon as possible, and letting them know they can apply prior to residency beginning - I feel this is as far as we can go without overstepping authority.
3. I have added two items to the bottom of the FAQ page (that may change with feedback from the Board, but is a place to start) that attempts to provide information about which code to review and how they work together. There may be further input Mr. Peterson provides to expand this explanation. As well, I have placed a clarification about APA/CPA/Designation requirements with the same considerations.
4. I'm not sure why the minutes haven't been posted at this point, I was under the impression they were linked to the About Us page. However, when I reviewed what was linked, it is the Agendas as you indicate. I have set up places for the minutes to link, and I will work to get the documents linking, however, this may be a project that takes a bit longer to fully be functional.

Again, thank you for your collaborative conversation.

Best Regards,

Margo Adams Larsen

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Margo Adams Larsen, Ph.D.

Member, ND State Board of Psychologist Examiners

LicensureMAL@gmail.com

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