

Legislative Update

Legislative and Public Policy Update

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



Session 2023 - Session 2023 begins on March 7, 2023, after seven weeks of legislative committee meetings. Unlike most years, there is no indication that funding the State's Budget will be one of the major items of discussion due to the Florida's more than healthy reserves. Instead, expect high-profile issues like permitless concealed carry, abortion, ESG, parental rights in education, property insurance, and affordable housing. Other issues will take a back seat to the legislative matters than consume debate time and national media coverage.



Eric Prutsman

Two bills that are of particular importance to FABA are HB 795 by Representative Allison Tant, and SB 514 by Senator Ed Hooper. The bill address a provision in the RBT bill last year that required RBT's to not only practice under the supervision of a BCBA but also be employed by an enrolled Medicaid provider. Unfortunately, many providers employing and supervising RBTs in the public schools are not Medicaid providers. As a result, when the new school year started last Fall, some students either lost services or experienced significant delays in obtaining services. Both bills have just been referenced to their respective committees and are waiting to be heard. We will need your help to make sure the bills advance, so please respond to our Call to Action on the RBT bills when it is announced.

FABA will also be tracking hundreds of additional legislative bills this Session and will be advocating to increase the reimbursement rates for services provided under AHCA and APD, as well as restore cuts that have been made.

AHCA Litigation Update – FABA's lawsuit against AHCA's proposed behavior analysis policy is currently in the discovery phase with interrogatories being exchanged and depositions being held. The judge has scheduled a hearing for late March. FABA maintains that AHCA failed to properly prepare a Statement of Estimated Regulatory Costs (*SERC*) that would have clearly shown that the proposed rule would increase costs significantly for providers. FABA has also raised issues with the proposed rule's mandated use of multiple assessments and a CDE before behavior analysis services can be delivered. There are also many more problems with the draft policy that will be addressed with the court.

Advocacy – FABA continues to utilize the Action Center at FABAWorld:

Action Center (fabaworld.org) for legislative advocacy campaigns. Please check the link frequently and await notifications by email and social media. Success with legislation is team effort and everyone can help, whether it is sending an email, making a phone call, or making the trip to Tallahassee to meet legislators in person.

In This Issue

Legislative Update.....	1
President's Corner.....	2
FABA's New Deia Committee	3
Ethics Anyone?	4
FABA Elections Report 2022	5

FABA Committee Happenings

By Kim Lucker-Greene

Most of our FABA members are familiar with our Board of Directors efforts related to conference preparation and planning that occur throughout the year, with much of the work done by our Program Chair and committee members. You are also likely to have an awareness of the vitally important work of our Public Policy Committee that is updated frequently on our website (fabaworld.org) and included in this publication. However, the work of some of our other committees is often not as evident or clearly disseminated to our membership. I would like to take a moment to share with you some of the activity that has been happening within a few of our committees and invite you to reach out to the committee chairs to get more information or to get involved with some of these efforts that may interest you.



Kim Lucker-Greene

Our Local Chapters committee has been very busy with preparing for the CoFABA Conference coming up on May 12th. This mid-year event is supported through a joint effort of the local chapters across the state. The officers of the chapters have been working together since last July to plan for and execute what has quickly become a premier conference experience for ABA providers in the southeast. The local chapter committee has also been working with the public policy and media relations committees to prepare for our next licensure push by attending a training by Eric Prutsman, FABA's lobbyist and legal counsel. This committee has grown the state association's reach through the addition of two new chapters, one in Gainesville and another serving Lee and Collier counties in southwest Florida. We now have a total of 13 local chapters across the state, so find one in your area to join and get involved in the action!

Our DEI committee, headed up by Chair Lindsay Llovares, has been very busy with new initiatives to increase FABA's efforts related to diversity, equity, and inclusion. The committee has created a very comprehensive mission statement that the Board of Directors will work to carry out throughout the organization's activities, actions, and communications. The DEI committee has provided many new ideas for helping incorporate these principles and their

corresponding goals into all facets of FABA. I look forward to these efforts and to the feedback from our members. Look for more articles from the DEI committee in this issue, and future issues of the *Observer*.

A final committee that I would like to highlight is our Media and Public Relations Committee, chaired by Michelle Castanos. With so much information shared through social media outlets, this committee has been working very hard to keep these channels open across all platforms to allow for meaningful discussion and communication of relevant and accurate information in a safe and secure environment. The committee has been working closely with FABA's local chapters and affiliates to ensure that information shared on all sites meet the rules and standards set forth by the association. As part of this process, Michelle and supporting committee members have been working on an updated social media policy that will more thoroughly outline specific practices for engagement within these platforms by any FABA representatives or associates.

There are numerous efforts in place across all FABA committees. The Board of Directors, committee chairs and members are working hard on behalf of our members and the profession. Please remember that these efforts truly are year-round and that we welcome the support of member volunteers, so please reach out and connect with us.



FABA's Board of Directors, Public Policy Committee, Local Chapters Committee, DEI Committee, Media and Public Relations Committee

FABA's New DEIA Committee

Committing to Diversity, Equity, Inclusion and Accessibility

By Lindsay Lloveras

My name is Lindsay Lloveras and I am serving in my first year as a Member at Large on the FABA Board. I am fortunate to have the opportunity to serve as chair of FABA's Diversity, Equity, Inclusion, and Accessibility (DEIA) Committee. Current members of the committee include Maddie Duke, Jonathan Fernand, Tiki Fiol, Yanerys Leon, and Kerri Peters.



By Lindsay Lloveras

My first objective as DEIA Committee Chair was to focus on restructuring the committee so that DEIA efforts could be proliferated through all facets of FABA. We are currently working toward the goal of having a DEIA representative on every FABA committee. Those representatives will liaise between the DEIA committee and their "home" committee to ensure that our mission is well-integrated into all facets of FABA. Naturally, the next objective was to establish a mission statement to help guide committee and board members as they navigate this new structure.

FABA DEIA Mission Statement:

We are committed to advancing, cultivating, and preserving a culture of diversity, equity, inclusion, and accessibility because it makes us a stronger, more impactful

organization, and because it directly aligns with our mission to improve the world with behavior analysis. In this commitment, our goals are to:

- *Elevate voices from marginalized groups and facilitate actions that directly benefit these groups, because this benefits all of us and aligns with our values as an organization*
- *Create inclusive spaces that cultivate a sense of belonging for all members*
- *Honor both the collective and individual identities of our members and recognize how those identities shape experiences*
- *Identify and dismantle barriers to executing these goals*

We are actively striving to incorporate these principles into all facets of FABA. Our approach is rooted in listening, learning, and acting. In this way, we encourage feedback and value accountability.

I am excited and eager for this next chapter! If you have any feedback about FABA's DEIA efforts, please feel free to reach out to me at llloveras@fabaworld.org.



Save The Date

CoFABA Conference

Friday, May 12, 2023

**Riding the Wave of Change:
The Evolution of ABA Practices**

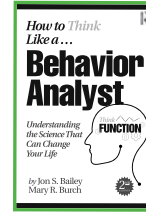
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Register Today
Limited In-Person Seats Remain

Ethics Anyone?

by Authors Jon Bailey and Mary Burch

ABA Agency Head Says "No" to Behavior Analysis



Jon Bailey, PhD



Mary Burch, PhD

Note: This question was sent to the ABA Ethics Hotline and is used with the permission of the BCBA.

QUESTION: I recently started a position as a clinical supervisor with a service provider/owner who is not a BCBA. I believe that the owner/director, an SLP-A, has put up a front of offering ABA services just to bring in paying clients. In the first month, I did assessments and prepared completed documents for a couple clients. In this month I have learned that the owner does not want me implementing ABA to meet client needs. There is also no previous proper documentation (programs, data collection, etc.) for these clients. I tried to resolve the issue in a meeting with owner/director regarding my role as the clinical supervisor and my duties to the client, however, she continues to disagree with me. She has thrown out programs I tried to implement with the clients and continues to say ABA is not effective. Several staff have approached me to ask what they are supposed to do? Although I have approached the matter and tried to have the best interest of clients, I have found it challenging as she has stopped and reprimanded front line staff for implementing programs I provided for clients. I did not expect to find myself in this situation as I have collaborated with several SLPs while working in the field of ABA and have worked together well.

I do now believe that previous individuals hired in my position may have faced similar challenges. However, I am appalled at the lack of regard and ethical obligations to the clients. I will be filing a report to the funding agency to not allow this to continue, as well as inform families of my decision to resign. I have also been studying the Code of Ethics for SLPs to familiarize myself with it.

I have decided to resign from the position as it has presented moral and ethical dilemmas in providing effective treatment to the clients. How do I proceed since I have signed off as the BCBA for some of these clients and am prevented from implementing ABA. I have also learned that previous BCBA's did not stay with this organization

long. I'd like some guidance as to how to proceed with the matter. Thank you

ANSWER: Something like this was bound to happen sooner than later--that human services companies would try and capitalize on the reputation of behavior analysis to draw in unwitting consumers and then try and bilk the payers into providing funding. Clearly, the most direct action here would be to inform the payers of this scam and hope that they would conduct an audit and demand their money back.

As you know, it is not possible to report a company to the BACB, but you might investigate filing a complaint with the Better Business Bureau pointing out that the company is engaging in false advertising and misrepresentation.

Another lesson here has to do with being more diligent when applying for a position with any company. It is always going to be risky for a behavior analyst to work for a person from a different profession since they do not have to follow our strict and detailed Code

of Ethics. Some good advice to students, for example, is to not take a position at a company that is not run by a BCBA; this is increasingly hard to do since private equity conglomerates are gobbling up BCBA-run agencies left and right.

When you discovered that the owner was throwing out behavioral programs and promoting the idea that ABA is not effective, that surely would be a signal that you are in the wrong place. Documenting all of this will be critical to taking steps to correct this misinformation. Speaking directly to the families and letting them know that their children are not receiving behavioral treatment is another justifiable step.

We are sorry that you have found yourself in this situation and hope that you are able to locate an ethical ABA company for your next job.



FABA Elections Report 2022

By Tiki Fiol, Past President

The annual nomination and election processes of FABA were overseen by the Elections Committee this year. Nominations for President-Elect and two Members at Large positions were received from around the state and voting opened on August 19th, ending on September 5th, 2022. The elections process is vital to our organization allowing the FABA Board to obtain new Board Members. These individuals are selected by you, our membership, and they play a vital role in fulfilling the purpose that was founded in 1980. The FABA Board meets multiple times throughout the year, and often Board Members meet monthly in smaller committees to complete the work of FABA, work that is so much more than an Annual Conference.



Tiki Fiol

congratulate Lindsay and Kelly on their new roles. Both have hit the ground running and are actively involved in several committees. Lindsay has taken the lead as the Chair of the Diversity, Equity, and Inclusion (and Accessibility) Committee. Kelly, who is also the President of the Association for Behavior Analysis of Brevard Chapter, will continue to play an active role with Local Chapters and the CoFABA Conference Planning Committee. She has also volunteered to assist with the Program Committee. Congratulations to both of you, and we appreciate all the work you have done and will continue to do.



Lindsay Lloveras,
Member at Large

Matt Potak from Tampa was selected by the membership as President-Elect. Matt is the long-standing President of the Bay Area Association for Behavior Analysis, one of FABA's oldest and most active Local Chapters. He is also a past Member-at-Large and the Co-Chair of FABA's Public Policy Committee. Congratulations to Matt on his new position and thank you, Matt, for your continued volunteer efforts for our organization.



Matt Potak, President Elect

If you or someone you know is interested in serving as a member of the FABA Board, nominations will open in the summer of 2023. Remember you need to have an active FABA membership to nominate, be nominated, and vote. There are many other ways you can participate in our organization. You can also join and participate in local chapters throughout the state. Local chapters hold elections for officers every two years. Several current and former Board Members began at the local chapter levels. There are also methods to volunteer and assist on committees or subcommittees, and actively participate in rallies, hearings, and more. Feel free to contact your local chapters or the FABA Board for opportunities.



Kelly Therrien,
Member at Large

Individuals elected as a Member-at-Large serve a three-year term. For 2022 nominations were as follows: Anthony Concepcion, Lindsay Lloveras, Meka McCammon, and Kelly Therrien. We would like to thank everyone that participated in the election and





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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>Interim Exec. Director</i>	Kerri Peters	kpeters@fabaworld.org
<i>President</i>	Kim Lucker Greene	2022-2023
<i>President-Elect</i>	Matt Potak	2022-2023
<i>Past-President</i>	Tiki Fiol	2022-2023
<i>Secretary</i>	Kerri Peters	2022-2024
<i>Treasurer</i>	Baker Wright	
<i>Lobbyist and General Counsel</i>	Eric Prutsman	
<i>Members-at-Large</i>		
	Ansley Hodges	2021-2023
	Nicki Postma	2021-2023
	Yanerys Leon	2022-2024
	Michelle Castanos	2022-2024
	Lindsay Llovares	2023-2025
	Kelly Therrien	2023-2025

Committee Chairs

<i>2023 Program Committee Chair</i>	Nikki Dickens	behaviorgirl@gmail.com
<i>Local Chapter Committee Chairs</i>	Kim Lucker-Greene & Ansley Hodges	
<i>Public Policy Co-Directors</i>	Kevin Murdock and Missy Olive	
<i>Public Policy Co-Chairs:</i>	Mary Riordan, Matt Potak, Nikki Postma	
<i>DEI Committee</i>	Lindsay Llovares	
<i>Media & Public Relations Committee Chair</i>	Michelle Castanos	

Observer Editorial Board

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

Past Presidents

Tiki Fiol	2021-22
Josh Pritchard	2020-21
Yulema Cruz	2019-20
Andrew J. Houvouras	2018-19
Nikki Dickens	2017-18
Corey Robertson	2016-17
Sharon Older	2015-16
Amy Polick	2014-15
Dawn Bailey	2013-14
Kevin Jackson	2012-13
Steve Coleman	2011-12
David A. Wilder	2010-11
Jan Montgomery	2009-10
Mary Riordan	2008-09
Tony Gelabert	2007-08
Karen Wagner	2006-07
Kevin Murdock	2005-06
Gretchen Thwing	2004-05
Tim Vollmer	2003-04
Jose Martinez-Diaz	2002-03
Al Murphy	2001-02
Michael Stoutimore	2000-01

The full list of the FABA presidents from 1980 to the present will be added to www.fabaworld.org.

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