

**SOUTH DAKOTA BOARD OF EXAMINERS OF PSYCHOLOGISTS**  
**BOARD MEETING MINUTES**  
**October 15, 2015**  
**Teleconference**

**Members Present:** Alice Bruce, Lay Member; Jerry Buchkoski, Ph.D., Member; Robert Overturf, Lay Member; Sara Schilplin, Psy.D., Member; Karen Wiemers, Ph.D., Member; Bradley Woldt, Ph.D., Secretary; Member.

**Members Absent:** Frederick Magnavito, Ph.D.

**Others Present:** Carol Tellinghuisen, Executive Administrator; Jill Lesselyoung, Administrative Assistant; Patrick Baker, Communications Officer, Department of Human Services; Justin Pierson, Department of Social Services Liaison to the Board; Laura Shattuck, Attorney General's Office; Thomas Stanage, Ph.D.; Brittany Novotny, SDPA Representative; Vicki Isler, Ed.D, BCBA-D; Pamela Osnes, Ph.D., BCBA-D; James Carr, Ph.D., BCBA-D; Trisha Miller, Ph.D., SDPA Member; Carole Boos, Senior Staff Attorney, Department of Human Services

Buchkoski called the meeting to order at 12:03 PM CDT.

**Corrections or Additions to the Agenda:** None.

**Discussion of Draft of Applied Behavior Analyst Licensing Law Written into the Psychologist Licensing Law:**

Members of the Psychology Board of Examiners and other licensed psychologists voiced their concerns to individuals representing the Applied Behavior Analyst Workgroup regarding their recent draft of the licensing law. Concerns identified by the psychology board members and other psychologists included: 1) the potential that the Board may be abdicating its responsibility regarding the management of licensure activities of applied behavior analysts to the BACB; 2) the potential cost of litigation for disciplinary actions of applied behavior analysts when there are so few in number (i.e., psychologists would be subsidizing the cost of litigation); 3) the need for clarity in the law regarding the scope of practice limitations for applied behavior analysts; 4) the need to identify other states whose psychology licensing board incorporated applied behavior analysts into their statutes, such as North Dakota, and use as a model; 5) the need to identify a common ethics code for both psychologists and applied behavior analysts; 6) the suggested addition of two behavior analysts to the Board would be a significant overrepresentation of behavior analysts on the Board; 7) that those engaged in applied behavior analysis as trainees be required to identify themselves as "in training" if in fact, they are in training; 8) keeping the continuing education requirement as currently written; and 9) the need for an oral exam regarding ethics and knowledge of South Dakota statutes for licensure as an applied behavior analyst with current providers grandfathered in.

Members of the Workgroup and their representatives addressed each of these concerns including: 1) the Behavior Analyst Certification Board (BACB) is a national board that is already set up to certify the background and qualifications of applicants for licensure as a Licensed Behavior Analysts; 2) that the Licensed Behavior Analysts in South Dakota are few in numbers and highly ethically trained so there likely will not be the need for disciplinary action; 3) limitations on the scope of practice will be written into the law; 4) the Ohio licensing statute is more recent and well-written and may be used in addition to the ND statute; 5) a common ethics code is agreeable; 6) adding one Licensed Behavior Analyst to the Board is agreeable; 7) the question of those engaged in applied behavior analysis as trainees being required to identify themselves as "in training" was not directly addressed by the Board; 8) keeping the continuing education requirement as currently written is agreeable; and 9) there was discussion regarding the oral exam, but this was left undecided.

Buchkoski adjourned the meeting at 1:11 PM CDT following a unanimous vote based on a motion by Woldt and a second by Bruce.

Respectfully submitted,

Bradley Woldt, Ph.D.  
Secretary