

ATTACHMENT V

Agency for Persons with Disabilities FLORIDA BEHAVIOR ANALYSIS SERVICES LOCAL REVIEW COMMITTEE BYLAWS

I. Purpose

The purpose of the Local Review Committee is to ensure that behavior analysis services are appropriately selected, developed, implemented, and monitored, in accordance with Florida Statutes, Chapter 393, Florida Administrative Code, Sections 65G-4.008 - 65G-4.010, Behavioral Practice and Procedure, and 65G-8.006, Limitations on the Use and Duration of Reactive Strategies, and 59G-4, Developmental Disabilities Services Coverage and Limitations Handbook. This committee also ensures that the provision of behavior analysis services and the procedures used are humane, ethical, and effective.

II. References

Including:

- A. Chapter 393, Florida Statutes
- B. Rules 65G-4.008, 65G-4.009 and 65G-4.010, Florida Administrative Codes (F.A.C.).
- C. Rule 65G-8, Reactive Strategies, F.A.C.
- D. Rule 59G-4, Developmental Disabilities Services Coverage and Limitations Handbook, F.A.C.
- E. Behavior Analyst Certification Board® Guidelines for Responsible Conduct for Behavior Analysts
- F. Baer, D.M., Wolf, M.W., & Risley, T.R. (1968). "Some Current Dimensions of Applied Behavior Analysis," Journal of Applied Behavior Analysis, 1.

III. Functions

The functions of the Local Review Committee will include:

- A. Review of behavior analysis services, in accordance with rule 65G-4.010, F.A.C.
- B. Monitor behavior analysis services, in accordance with rule 65G-4.009 and 65G-4.010, F.A.C.
- C. Take necessary actions, as specified in section 65G-4.010, F.A.C., when services are found not to be in accordance with Florida law.
- D. Conduct its business in accordance with these by-laws and the Behavior Analyst Certification Board® Guidelines for Responsible Conduct for Behavior Analysts.
- E. Provide technical assistance and consultation to Area providers, as needed.
- F. Disseminate relevant information to Area providers and other professionals.
- G. Enhance and update members' knowledge of current developments in the fields of behavior analysis and developmental disabilities through coordination of local seminars, classes, workshops or institutes.

IV. Committee Composition and Organization

A. Area of Responsibility

The Local Review Committee will be responsible for behavior analysis services provided to clients of the Agency for Persons with Disabilities within the local Area. The Committee may subdivide and meet as separate regional bodies, or Regional Local Review Committees, serving different parts of the Area. Each Regional Local Review Committee will be responsible for a specific region or set of providers.

B. Committee Composition

1. **Membership.** The Local Review Committee will be composed of a minimum of 3 members, including the chair. Each Regional Local Review Committee will be composed of a minimum of 3 members, including the chair. Members will be Board Certified Behavior Analysts, Board Certified Assistant Behavior Analysts, or Florida Certified Behavior Analysts and will be either employees of the Agency for Persons with Disabilities or volunteers.

Every effort will be made to ensure that there is a balance of providers and levels of certification represented on Local Review Committees, and that a concentration of members from one or a few providers is avoided. Members shall be appointed by the Agency for Persons with Disabilities Area Program Administrator for a term of 1 year. Members may be reappointed for additional unlimited terms. A member's term will end if not reappointed at the end of the term, if the member resigns in writing prior to the end of the term, or if the member has more than four unexcused absences in a term.

2. **Chair.** The chair will be the Area Behavior Analyst or other person designated by the Agency for Persons with Disabilities Area Administrator who meets the requirements specified in 65G-4.008(2)(b), F.A.C. The chair will set times of meetings, notify members, and presenters, set the agenda, distribute minutes, and facilitate meetings. A representative may be appointed by the chair to serve the functions of the chair in his or her absence.

3. **Non-voting members.** Individuals who would like to serve on the Local Review Committee but do not meet the membership requirements may serve with the approval of the Chair and the Area Administrator. These members may participate in discussions but may not vote.

4. **Guest.** To ensure client confidentiality, guests will be allowed to attend meetings at the discretion of the Chair. These would be APD providers of behavior analysis services, and those providing supervision, the recipient's support coordinator, parent or guardian, the recipient, or the group home operator of the home where the recipient resides. Such guests will only be allowed to attend the portion of the meeting during which the recipient's plan is reviewed and discussed. Informed consent for review of the plan by guests must be obtained by the recipient or

his/her caregiver or guardian. Prior approval of the Chair will be required, and the requirements of confidentiality will be explained to the guest. Guests may not vote.

C. Regional Local Review Committees

1. Regional Local Review Committees may be formed to serve and meet in different geographical locations in the Area.

2. Each Regional Local Review Committee will function as a separate body with a separate membership and independent ability to perform all functions of the Local Review Committee within its designated area.

3. Each Regional Local Review Committee will conform to the requirements for committee composition and procedures specified in these By-Laws.

4. Members, providers, and designers of behavior analysis services will always present plans to the same Regional Local Review Committee in order to provide continuity for review and monitoring.

D. Subcommittees, consisting of 2 or more members of the Local Review Committee or Regional Local Review Committee, may be formed to review behavior analysis services or perform other specific functions required of the Local Review Committee or Regional Local Review Committees. Subcommittees will be formed for specific purposes and with the approval of the full Local Review Committee or Regional Local Review Committee (hereafter referred to as “the Committee”). Subcommittees will make recommendations to the Committee that formed them, and the Committee will make the final decision to reject or accept the subcommittee’s recommendations.

E. Meetings

1. Meeting Schedule. Local Review Committee or Regional Local Review Committee meetings will be held at least monthly. Meeting dates and times will be on a regular schedule agreed to by a majority of members. Members will be notified of any changes in advance of meetings.

2. Quorum. A quorum will consist of 3 voting members.

3. Order of Business. The order of business will be as follows:

- a. Approval of minutes from the previous meeting.
- b. Announcements and other business.
- c. Presentation, review, and approval of new behavior analysis services.
- d. Presentation, review, and monitoring of ongoing services.
- e. Requests for technical assistance and consultation.
- f. Review and discussion of reactive strategy reports
- g. Open discussion of other topics raised by members.

h. Arrangements for the next meeting.

4. Minutes. Minutes will be the responsibility of the Chair or the Chair's designee. Minutes will be distributed to the members at least 5 days prior to the next meeting. Minutes will include the following:

- a. Date, time, location, and length of meeting
- b. List of persons attending meeting and persons presenting
- c. Approval or changes to last meeting's minutes
- d. Summary of any announcements and other business discussed
- e. Reports from subcommittees
- f. Summary of any new or on-going services reviewed or monitored, suggestions or modifications made, approval, approval with modifications or disapproval of services, and next scheduled date for review
- g. Summary of any requests for consultation or technical assistance
- h. Summary of any emergency procedure review, monitoring and feedback
- i. Summary of any other discussion
- j. Next meeting date and time

5. Attendance Sheet. An attendance sheet will be kept for each meeting, indicating who attended, who presented, and the length of the meeting. This attendance sheet will be kept by the Chair for the purpose of verifying attendance for Continuing Education Units or for documentation of volunteer hours.

V. Procedure for Review of Behavior Analysis Services

A. Submission of Behavior Analysis Service Plans

Behavior analysis services requiring review by the Local Review Committee, in accordance with 65G-4.010, F.A.C., must be submitted to the Chair within 5 working days following implementation. However, anyone wishing to submit a plan for review, or the Area Behavior Analyst may request a plan be submitted for review by the Local Review Committee. All behavior analysis services submitted will be placed on the next available meeting agenda. All behavior analysis service plans must meet the requirements of 65G-4.009(10)(b), F.A.C.

B. Review of Behavior Analysis Service Plans

1. The person who designed the behavior analysis services will be present for the initial review, as required by 65G-4.008(4)(a)1., F.A.C. The person with primary responsibility for implementation and monitoring of services will be present for all future reviews and monitoring by the committee.

2. The designer of the plan will provide copies for committee members or will request that the Chair make copies. Requests to the Chair to make copies will be submitted at least 5 working days before the scheduled meeting date.

3. The designer of the plan will describe the behavior analysis services and monitoring plan. The Committee will discuss it, make suggestions, and review it for compliance with Chapter 393, F.S., and Sections 65G-4.008 - 65G-4.010, F.A.C.

4. The Committee will then vote to approve, approve the plan with modifications or disapprove the plan. Voting will be by voice vote unless a written vote is requested. The designer of the plan or anyone else that may have a conflict of interest will abstain from voting. A simple majority vote will be required for a committee decision. In the case of a tie vote the committee will defer to the chair. When the vote is not unanimous, the opinions of the majority and of the minority will be recorded in the minutes.

5. The Committee will suggest and approve by a voice vote a schedule for monitoring approved behavior analysis services. Such monitoring by the Committee shall occur at least annually.

6. When members of the Committee have differences in opinion based on clinical judgment, but services are found to be in compliance with the laws and rules of Florida, an attempt will be made to resolve these differences through discussion and reference to relevant literature and data. If these differences cannot be resolved, the designer of the services will inform the client or client's guardian of the options available and the pros and cons of each option so that the client/guardian can make an informed choice.

C. Disapproval of Behavior Analysis Services

1. If the Committee finds that behavior analysis services are not in accordance with Florida law, but such services do not pose an immediate threat to the safety or welfare of the client, an attempt will first be made to resolve such issues within the meeting by suggesting modifications and alternatives and providing technical assistance.

2. If such issues cannot be resolved, the Committee will notify the provider of such services, orally and in writing and in English and in the language of the provider, of each area of noncompliance. The provider will have 20 days to respond to the Committee to demonstrate compliance. If the Committee determines that the provider is still not in compliance, it will submit a report in writing to the Agency for Persons with Disabilities Area Administrator within 5 days of the provider's response, in accordance with 65G-4.008(4)(c).

3. If at any time the Local Review Committee determines that procedures pose an immediate threat to the safety and welfare of the client constituting abuse or neglect as defined by the state of Florida, a report will be made to the Abuse Registry immediately.

VI. Review of Emergency Procedures

A. The use or non-use of reactive strategies or emergency procedures as defined in rule 65G-8, Reactive Strategies, F.A.C., will be submitted to the Chair monthly prior to or at the Local Review Committee meeting. Any use of reactive strategies greater than the limits prescribed by this rule must be immediately reported by the provider to the Chair.

B. Policy and procedures governing the use, recording and reporting of reactive strategies must be established by providers funded by Agency for Persons with Disabilities and approved by the Area. Technical assistance will be provided upon request. These policies and procedures may be reviewed by the committee if deemed relevant to the Committee's review of specific behavior analysis service plans.

C. Monthly reports of the use of reactive strategies will be reviewed by the Local Review Committee, a subcommittee, or other designee of the Local Review Committee. Technical assistance and recommendations will be provided as appropriate.

VII. Amendments and Revisions to the By-Laws

A. Proposed amendments and revisions to the By-Laws will be submitted in writing to the Chair at least 20 days prior to the next scheduled meeting. They will then be distributed to the members at least 10 days prior to the next scheduled meeting.

B. The Local Review Committee will vote on proposed amendments and revisions. A voice vote will be taken, and revisions or amendments will be approved or rejected by a simple majority vote of the Local Review Committee. If meeting as Regional Local Review Committees, any changes to the By-Laws must be approved by a majority of all members of all Committees combined.

C. The Local Review Committee will submit the approved amendments and revisions to the Agency for Persons with Disabilities Area Administrator and to the Senior Behavior Analyst for final approval.