

Joe Lombardo  
Governor

Richard Whitley, MS  
Director



# DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGING AND DISABILITY SERVICES DIVISION  
*Helping people. It's who we are and what we do.*



Dena Schmidt  
Administrator

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## MEETING MINUTES

of the meeting of the Nevada Commission on Autism Spectrum Disorders  
July 28, 2023

The Commission on Autism Spectrum Disorders held a public meeting on July 28, 2023, 2:00 p.m. at the following locations:

3811 W Charleston Blvd Las Vegas, NV 89102  
Teleconference meeting was conducted via Microsoft Teams Meeting

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### 1. Call to Order

The meeting was called to order at 2:04 pm by Ms. Chalupnik

### 2. Roll Call

Ms. Chalupnik called role; quorum was announced with 6 of 7 members in attendance. Ms. Chalupnik reviewed housekeeping and general etiquette rules for virtual engagement and introduced the Commissioners. Ms. Chalupnik also informed the chair of the new requirements of the meeting per Legislation. Stated *“No action may be taken upon this taken upon a matter raised under public comment. Unless the matter itself has been specifically included on an agenda as an action item to provide public comment telephonically, please dial 1-775-321-6111 when prompted to provide the meeting ID, enter 832794904. Comments will be limited to 3 minutes per person. Persons making a comment will be asked to begin by stating their name for the record and spell their first and last name and provide the secretary with written comments. Other comments can also be emailed to the name that's at the bottom of the agenda, achalupnik@adsd.nv.gov”*.

[ Ms. Chalupnik turned the meeting over to Ms. Ward]

<b>Members Present:</b>
Anna Marie Binder
Amy Walch
Corey Nguyen (Chair)
Amy Coyne
Linda Tran
Korri Ward (Chair)

### **3. Public Comment:**

Public Comment was provided by Vanessa Loftis. Ms. Ward informed her she has three minutes for public comment. Per Vanessa Loftis, *"I have worked in the Office of Community since 2017 and I'm also a mom of two autistic youth. Some of the biggest barriers I have seen is the lack of RBT and BCBA licensed in the state of Nevada. Also, it's taking once we get the RBT's, it's taking over 12 weeks to approve the RBT's just to work in the field after they passed the exam, even after them having to have the background check already in order to take the exam in the first place.*

*Most other states except out of state licenses for the RBT's, but Nevada does not. Also, Medicaid is limited parent training for just an hour a week, which isn't enough to give our parents the skills necessary to help deal with their children when commercial insurances doesn't have a limit and the last thing none of the school districts allow a mechanism for ABA providers to provide and service on school properties.*

*There's too many kids being placed in general education too long or they get placed into a warehousing type program where they're not given the appropriate resources to help them grow and develop. That's it."*

[Ms. Ward thanked Vanessa and asked if anyone else had a public comment. Ms. Ward waited 26 seconds before asking Ms. Chalupnik if at Legislation it was mentioned how long they needed to wait for public comment. Ms. Chalupnik replied no, as long as there is nobody on the call they can move on to the next agenda. Ms. Ward then moved on to the approval of minutes.]

**4. For Possible Action:** Approval of Meeting Minutes from the Previous Meeting held June 20, 2023.

Ms. Ward stated on the previous minutes she noticed her graph was “jumbled” and during roll call, the first letter of her last name isn’t capitalized. Also stated there should be 2 “R’s” in her first name.

Commissioner Binder stated there are several typos that could possibly be from the transcription, not human related. She also stated she didn’t take note of it as it doesn’t take away from the intent or the meaning of what was discussed.

Ms. Chalupnik stated if there are quotations it is directly from the transcription. She had also bracketed areas where she knew what was meant. Advised they were extremely long 15 pages and know there are typos, but she will make the corrections.

Linda Tran wanted to address that Commissioner Nicole Muhoberac’s name was misspelled on page 6. She also asked Ms. Chalupnik if she would like for them to email her any typos

they catch on the previous minutes. Ms. Chalupnik stated she is ok with it and she will go back to correct them.

Ms. Ward made motion to accept minutes with corrections. Commissioner Amy Walch and Chair Corey Nguyen motioned. Everyone was in favor. Minutes passed.

**5. For Possible Action:** Discuss and Decide on Commission Objectives as it Relates to Autism Spectrum Disorder

Commissioner Binder commented she thought from their last meeting they were going to discuss one objective. Linda Tran stated “Commissioner I was looking at it as well. I believe in our minutes as well, we decided to look at just Goal One in the strategic plan and then there were four objectives within that first goal”.

Commissioner Binder also wanted to make a motion to take the agenda out of order; to jump to item number 7 as she thinks discussing it first will align into the objectives as they go along. Ms. Chalupnik advised she had reached out to the District Attorney General's related to the motion that was made in the previous meeting (to appoint people to the subcommittees) but she hasn't heard back yet. Stated *“I personally think that it's fine that you guys discuss because you just you decided to table it until after legislative sessions were discussed with you all. I think it's OK if you guys discuss and prepare for upcoming subcommittee rules, but I still am unclear as to whether that motion that passed with a five to two vote it will impact until you, um, you resend that motion.”*

Commissioner Binder replied *“I don't actually recommend that we do any possible action on 7 today other than just have that robust conversation because when you review the previous strategic plan, uh, I wanna say there's four or five 6-7 other subcommittees that are identified in there that we have not discussed at all, and they all seem to have been, respectively, very instrumental in our previous strategic plan.”*

*Per Commissioner Ward, she stated “I think there's two things going on if we're talking about rewriting the strategic plan. Umm, that wasn't. Those were different subcommittees than these subcommittees. These subcommittees, as I understood it, were for umm, making recommendations to collecting data and making recommendations or presenting the data to the Commission to make decisions, to make recommendations to the governor and the legislature in the governor's letters. That's how I understood it and the strategic plan it did; It had 7 subcommittees, and I was chair of the Education Subcommittee. There was a lot more data taken. The responsibility wasn't displaced on two people. Umm.*

*So, #7 says ‘Per possible action, review and approve subcommittee roles and responsibilities as it relates to the current Community strategic plan, including approval of public entities and/or members to be contacted to participate in each subcommittee in preparation for the upcoming strategic report’. Are the Subcommittee members ready to present the Subcommittee Chairs? No”.*

Commissioner Binder informed Commissioner Ward they did which is why Ms. Chalupnik had provided the clarification of waiting to hear back from Council.

Discussion of previous minutes continue. Commissioner Binder noted the survey they had approved to send out isn't on the agenda. Also, per Commissioner Binder *“I'm sorry, I don't want to get too far off the beaten path, but the way agenda item number 7 relates could also*

*be very strong, continuing or, you know, recommissioned subcommittees. That I do think are important for our work, especially, you know, since a lot of the data and whatnot from our previous strategic plan hasn't been updated since 2019. And I'll just leave it at that, Madam Chair.*" Ms. Chalupnik informed them to wait to hear back from DAG to get clarification on whether the motion stands. In addition, stated that no conversation has taken place regarding any subcommittee and has just been discussion up until this point. Also stated "*I do think it's OK to discuss who might be appropriate for those subcommittees, just in case they are still available, and you know, can still be part of our everyday work or your everyday work so that that was what I have to say about that*" but stay away from who would be Chair and things of that nature.

Chair Corey Nguyen brought up he had written in his notes they were going to look to "*generally or generate and circulate a survey based on the 52 questions that was presented on page 60 in the strategic plan*", however, he doesn't think they had reviewed to say which questions are relevant, to keep, or remove. Both Commission Ward and Ms. Chalupnik mentioned it needs to be an action item and it can be put on the agenda for the following meeting. Ms. Chalupnik stated there was discussion to keep or review the 52 items and a decision was made to keep the 52 directly from the strategic plan and to create either a Microsoft forms or Google poll.

**6. For Discussion Only:** Review and Approve Draft Letter to Governor Lombardo on behalf of the Commission as if Relates to Commission Objectives

[Commissioner Ward opens letter by stating when NCASD was fully appointed and when the first meeting was held. She also thanked Governor Lombardo for passing the following bills into law: SB315, SB411, SB191, SB259, SB279, AB161]

NCASD Subcommittees - Commissioner Ward had added a paragraph regarding the NCASD subcommittee. Mentioned Anna Binder will be chair of the Insurance and Funding subcommittee and Corey Nguyen will be chair of the Workforce Development subcommittee. However, Commissioner Ward did mention she does not know what she's supposed to do with the paragraph.

Needs of Persons with Autism Spectrum Disorders and Their Families – Adults in Nevada with Autism Spectrum Disorders are being excluded from their health insurance benefit for ABA based solely on their age; Adults over the age of 26 are not ensured access to treatment by Board Certified Behavior Analysts (BCBA) through their health insurance and are at high risk of institutionalization due to barriers to accessing BCBA services. The Commission aims that BCBA services be funded through private health insurance and Medicaid throughout an individual's lifespan.

Children and Young Adults Receiving ABA Treatment Through Medicaid – Medicaid reported the first two quarters of 2020 clients received an average of 4.7 hours per week of direct services delivered by a Registered Behavior Technician (RBT). In 2019, it was reported that it went down to 4.5 hours a week. The Commission is advocating children and young adults accessing ABA through Medicaid have access to a level of care that meets evidence-based standards, based on a 2008 report from Autism Task Force.

[Commission Ward provided June 2022 data information of Autism Treatment Assistance Program (ATAP) clients on a waitlist]

Nevada Early Intervention Services (NEIS) – data from fiscal year 2020-2022 were provided with the number of children diagnosed with autism and average age of diagnosis. Commission advocates to have early onset of diagnosis with immediate referral to ATAP, Medicaid, or private insurance.

Nevada Department of Education – The Individuals with Disabilities Education Act (IDEA) data for 2021-2022 school year the Nevada Department of Education served 9,655 students with autism ages 3-21. The Commission advocates to increase the workforce of developmental specialists, teachers with autism endorsements, BCBA's, and RBT's to serve the population of students with autism. Data was also provided with the number of Licensed Board Certified Behavior Analysts, Licensed Board Certified Assistant Behavior Analysts, Registered Behavior Technicians, and Licensed Psychologists.

[ Typo under “Outcomes For People Receiving Services”. Missing the word “not” in “DHHS, VR and DOE data systems do *not* provide the metrics necessary to ascertain long term outcomes of people with autism”.]

Commissioner Binder wanted to add that a survey about community-based home services and legislators at the federal level can better support it, however, when Commissioner Ward asked if it was the ACL or settings rules, Commissioner Binder wasn't too sure. Commissioner Ward stated it would be a great for them to monitor it and to gather the data and have it on the December letter.

Ms. Chalupnik stated on the letter that “adult child/children with autism” reads funny and suggested to have it reworded. Chair Corey Nguyen suggested to reword it to “adult and/or child



with autism". Commissioner Linda Tran suggested to have it as "adult and/or child(ren) with autism". Chair Ward suggested to change it to "family members". All agreed to change it to the latter.

[ Any other grammatical errors and typos were corrected throughout the letter to Governor Lombardo.]

Chair Corey Nguyen suggested in the first paragraph under the topic titled "Needs of Person with Autism Spectrum Disorders and Their Families" where it states, "These adults are high at risk of institutionalized due to barriers to accessing BCBA services", BCBA should be changed to Behavioral Analytic Services". Chair Ward asked what the difference was.

Chair Corey Nguyen: *"Well, the BCBA services is essentially taken care of. It's the cultivation and treatment of the plan, but the bulk of it is the supervision of it. And a lot of what we do is provide applied behavioral analysis services, not necessarily services other BCBS. It's someone that oversees the science of BCBA".*

Chair Ward: *"OK, very OK, so help me help me step around the landmine of home and community-based waiver services cannot provide ABA"*

Chair Corey Nguyen: *"Home and community-based services waivers doesn't provide a right because in this state right those are taken care of by behavioral consultants. Not licensed behavioral analysts and that's where I think the caveat is or the catch is we might say".*

Chair Ward: *"Well the the catch is home and community-based waiver services can't pay for ABA."*

Chair Corey Nguyen: *"Correct but that would be..."*

Chair Ward: *“But they can't pay for like a functional behavioral analysis. They can pay for behavior specialists to come in and train uh, home and community-based waiver staff. They can do those sorts of things.”*

Commissioner Anna Coyne then suggested it can be changed to as “barriers to accessing services through a BCBA”. All came into agreement to the change.

Chair Corey Nguyen also wanted to further clarify *“I think, I mean, I think personally me just saying, I think the term behavioral analytic is protected by the behavior Analyst Certification Board. But, again, I do think it is tossed around loosely right to who provides that consultation because if we look at within the state of Nevada, most of its behavioral consultation, that those over the age of 22 receive and that behavioral consultation, in my experience, can be delivered by anybody.*

*So therefore, it's not controlled under a license, are there is no quality assurance in that. And that's why the licensing board for the LDA does exist to ensure that care is under a credential professional, whereas with the home and Community based waiver within the state of Nevada behavioral consultation it can be delivered by anybody that has a bachelor's degree.”*

Children and Young Adults Receiving ABA Treatment through Medicaid – Chair Ward included data titled “Ages of People Served and Number of People on Waitlists” with statistics from June 2022. She states she will be able to get new data for December’s report. Commissioner Linda Tran suggested there should a footnote indicating where Chair Ward got the data from. It will be labeled as “Reported to the Commission by ATAP”.

Commissioner Coyne suggested to replace the word “aged” to “transition” in the last sentence of the last paragraph stating “In addition, the Commission would like ATAP to develop strategies to

gather data regarding utilization of services and longitudinally track the status of clients who have aged out the program” due to progresses the client has done (i.e.; client met all of their goals, lack of progress), not just based on their age.

Nevada Department of Education – Data included from the Individuals with Disabilities Education Act for the 2021-2022 school year, the Nevada Department of Education served 9,655 students with autism ages 3-21. Commissioner Coyne stated she felt that number was low for the whole state. Commissioner Amy Binder stated it doesn’t have to be right as Clark County School District alone “serves just shy of 40,000 special education children” and the numbers reflected aren’t only students being ASD. Chair Ward then stated the numbers are probably based on students whose IEP’s only had Autism selected, not with multiple disabilities, from the medical professional.

Commissioner Binder commented that since people are drawn to data/graphs, the data should also include data on multiple checked IEP’s because of the multiple diagnosis. Commissioner Linda Tran states because the number does appear to be low, the number does not include the multiple impairments and other eligibility categories. She suggested to “put an asterisk right next to that number and add a footnote to say this is exclusive to just ASD marked on an IEP and does not include students eligible under multiple impairments and other areas of DD. I think it’s important to have that notation”. Commissioner Amy Binder agrees and uses one of her sons as an example. “On one his checkboxes they won’t even check autism on one of them it’s because of his dual diagnosis with the range of mood disorder. So, they checked the behavioral ones and then ADHD. So, on paper to the state, he’s not even considered autistic, even though it’s his initial diagnosis. But that’s also because of the games like, it can’t say games, the way that the districts and the laws are for selecting those boxes for services. So, there’s delineations, right? Cause like you could be wonderfully autistic and not actually require services, but then you start

*compounding other things. But it doesn't mean that you don't have autism".* The Commission agreed to add the word "only" to reflect as "... served 9,655 students with autism only ages 3-21."

Ms. Chalupnik made the change and wanted the commission to clarify what they agree on what the footnote should state at the bottom of the data. Commissioner Coyne replied, "*I think it's cleaner if you say 'Only includes student(s) with primary eligibility of autism', which then implies that there are other students with additional eligibilities that may not be included.*"

Table for Applied Behavior Analysis Providers Enrolled in Medicaid was discussed. Chair Corey Nguyen stated that every odd year, everyone on the list has recertify and he will reach out the Nevada ABA Board to get updated numbers. The Commission is aware if they get the updated numbers, they are going to have to update the entire table on the letter.

**7. For Discussion Only:** Review and Approve Subcommittee Roles and Responsibilities as it Relates to the Current Community Strategic Plan, Including Approval of Public Entities and/or Members to be Contacted to Participate in Each Subcommittee, in Preparation for the Upcoming Strategic Report

[ Commissioner Binder motioned to table agenda seven to the next agenda. All were in favor. ]

**8. For Possible Action:** Workforce Development Subcommittee Updates and Funding and Insurance Subcommittee Updates

Commissioner Binder wanted to make a motion to “*table agenda item number 8 to the next agenda and add a comparable agenda item with comparable language to be discussed offline. As it relates to agenda item number 7, to make sure we're doing #8 correctly.*” Commissioner Binder

[ No one favored the motion ]

Ms. Chalupnik suggested “*that we keep that standing agenda item and once the DAG responds, if we have to lose the word workforce development and lose the word insurance and funding, that's kind of our worst-case scenario, that agenda item can stay with the generic umbrella of just subcommittees in general..... since it's standing agenda item, changing the verbiage just wordsmithing is not, you know, it's not going to change the fact that the standing agenda item will be related to subcommittee*”.

[ Commissioner Binder withdrew the motion. Commissioner Ward asked if it was still going to be tabled, Commissioner Binder replied “Correct”. ]

**9. For Possible Action:** Review and Discuss Any Proposed Additions or Changes to the Commission Bylaws.

**10. For Discussion Only:** Discuss Potential Recommendations for the Commission to Review with the Olmstead Planning Committee in October

**11. For Possible Action:** Discuss and Approve Agenda Items and Discuss Future Commission Meeting Dates

Chair Corey Nguyen wanted to make sure what they have will discuss in order for the next meeting so he can be prepared. If they'll go over one of the objectives or all four. Commissioner Walch worried if they do all four, it'll be very time consuming and that breaking it down or into two might be better. Chair Ward stated number 5 will be the first objective from the Five-year plan. Will discuss the Autism Strategic Plan and the maximizing of the public and private funding. Chair Corey Nguyen read into the minutes for next meeting *"The review of goal one will be to maximize public and private funding sources to support the full scope of services needed for all Nevadans with ASD will review.*

*Objective 1.1, which is to secure state and federal funding, grants and other resources to ensure the adequate service delivery*

*Objective 1.2 is to expand access to health insurance benefits for ASD services.*

*Objective 1.3 is to expand Medicaid coverage for ASD services throughout the lifespan, and*

*Objective 1.4 is to establish a self directed care option for individuals into that and that would be the motion."*

All were in favor.

Meeting was adjourned at 4:18pm.

Next meeting will be on August 18, 2023 at 3:00pm.

**12. Public Comment:** (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. To provide public comment telephonically, dial [1(775) 321-6111]. When prompted to provide the Meeting ID, enter [832794904]. Comments will be limited to three minutes per person. Persons making comment will be asked to begin by stating their name for the record and to spell their last name and provide the secretary with written comments.)

By Ralph Sacrison who attended the meeting but had to leave early. Ralph emailed the following public comment:

*“Thank you for the opportunity to sit in on this meeting. Always reassuring to see efforts underway. I have to depart for other commitments. Please understand the public comment by Vanessa was excellent and reflects some issues which have existed for decades. Good to see them and the new ones brought to the attention of the Commission the letter to the governor. Lombardo is appropriate and comprehensive. Thank you.*

*Very good to see both, to see both before and during the edits.*

*Respectfully, Ralph Sacrison”*

