

STEVE SISOLAK
Governor



RICHARD WHITLEY, MS
Director

DENA SCHMIDT
Administrator

DEPARTMENT OF HEALTH AND HUMAN SERVICES
AGING AND DISABILITY SERVICES
3416 Goni Road, Suite D-132
Carson City, NV 89706
Telephone (775)687-4210 • Fax (775)687-0574
<http://adsd.nv.gov>

ABA BOARD MEETING MINUTES

Date and Time of Meeting: September 18, 2019 9:30AM

Name of Organization: The Board of Applied Behavior Analysis

Place of Meeting: Legislative Counsel Bureau
401 South Carson Street, Room 2135
Carson City, NV 89701

Videoconference to:
Legislative Counsel Bureau
Grant Sawyer Building
555 East Washington Avenue, Room 4406
Las Vegas, NV 89101

Conference Line: 866-390-1828
Access Code: 4894327

Please place your phone on mute unless providing public comment.

AGENDA

1. Roll Call and Verification of Posting

Laryna Lewis verified posting. The five board members were present: Dr. Kerri Milyko, Christy Fuller, Dr. Brigid Fronapfel, Rachel Gwin, and Matthew Sosa.

2. 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. 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.)

Gwen Dwiggins gave a public comment. Gwen stated that she did some research on continuing education. Our board says all continuing education must occur within that certification cycle to which it is applied. To her that reads conservative. There were questions on flexibility to meet this requirement and it seems that our board says no. Gwen also states that she looked at rates and said we are in the middle. There are several other states that are higher, up to \$300 per year, where we are \$400 biannually. Several other states also require suicide prevention.

3. Approval of Previous Meeting Minutes (**For Possible Action**)

Christy made a motion to approve the meeting minutes from the August 6, 2019 meeting with the corrections suggested by Dr. Milyko, Christy, and Dr. Fronapfel. Matt seconded the motion. All in favor, motion passed.

4. Discussion of Current Status of Applications and other ASD Activities Pertaining to Applied Behavior Analysis

Laryna Lewis gave an update on the currently licensed and registered individuals. She noted that there are 210 LBAs and 22 LaBAs that are currently licensed and 871 RBTs that are registered. There are 15 LBAs, three LaBAs, and 81 RBTs that are pending applications. Laryna also created a chart for an overview of the applications completed in the last four months. June was the highest month for RBTs with 385 registered. In July, 206 RBTs were registered and in August, RBTs started to slow down with just 64 RBTs registered with the state.

Dr. Milyko asked since there was a peak in June, if some of those people did not meet the June 30th deadline. Laryna stated as June came along, there were so many people sending in their RBT applications to try and catch the deadline which is why you see the high number. In July, there was catching up with what had happened in June and by August, it started to slow down.

Dr. Milyko stated the norm for RBT registrations processed might be close to the number processed in August. Laryna stated that she is expecting the normal amount of applications processed to be around 50 to 70 RBT applications a month.

Matt stated as far as testing goes, the processing of LBA/LaBAs over the months seem to be consistent and we are not seeing a huge clump, as the data shows.

Dr. Milyko asked what the reasons are for the 81 RBTs that are pending. Laryna explained there are many cases where the backgrounds of the applicant have been received and the Division is only waiting for the applicant to be registered with the BACB. The applicants are asked to notify the Division when they are registered with the BACB to prevent delays in the application process. The second reason is waiting for the backgrounds since those can take up to three weeks.

Christy Fuller asked what could be delaying LBA and LaBA applications. Laryna explained it could be any reason since there is so much to the application.

Jennifer stated a lot of pieces for the application will come in without the application itself. There is a documentation folder that is used for these cases. Once an application comes in, this folder is checked to see if there is supporting documents for the new application received.

Dr. Milyko asked how the ADSD emails are looking. Laryna stated the email has been great and everyone has been responded to.

Christy asked if the Division had an idea of how many hours are spent a week for Board activities. Laryna stated approximately 30 hours a week.

Jennifer stated there was a point where Laryna had no board activities. It is coming to a point where this work is a lot more manageable. When it comes time for renewal, we will need to hire temporary staff to help process in a timely manner. But at this time, it would be unfair to ask temporary staff to work very few hours a week. Dr. Milyko shared her concerns over the amount of time spent on board activities. Laryna explained she is able to multitask, and no other work has been neglected in her primary job duties.

Jennifer explained because Laryna is multitasking, it is difficult to say exactly how much time is devoted. It's a little subjective when we look at it, but it is absolutely manageable at this point. Jennifer also stated to please understand that ADSD also oversees many other boards and commissions. As an example, ADSD oversees the Commission on Aging, a director appointed commission and it is ADSD staff that supports this commission and it is also not funded. This is in addition to other staff duties. In the beginning the ADSD staff did not know what to expect because this was brand new to. It was manageable until it was not, which started in June. Jennifer confirmed that is not the case anymore.

5. Review, Discussion, and Possible Approval of Revising Forms Required for Registration or Licensure in the Field of Applied Behavior Analysis **(For Possible Action)**

The Board will be reviewing the forms that the consumers use to make sure there is no confusion when filling it out. They will give their recommendations next meeting.

Jennifer Frischmann stated the character reference form has been updated to a one-page form and left out the notary portion.

This agenda item was tabled.

6. Review, Discussion, and Possible Approval of Board Members Getting Access to ABA Board Email **(For Possible Action)**

Dr. Milyko wanted to clarify the ABA Board email is not a direct communication to the Board themselves, but rather this is a direct communication to the Division.

Jennifer suggested sending out a statement to everyone on the email list as a reminder and to inform them who receives the incoming emails that are sent to the ABA Board email.

This agenda item was tabled.

7. Review of Financial Status in Regard to the Board of Applied Behavior Analysis

Jennifer stated the financial status is mostly the same as last meeting. Currently, the Division has \$188,139.84. Jennifer also explained the \$1,242.80 is in the red only because of technical adjustments and moving money over.

Dr. Milyko discussed issues with the board members not receiving any notifications of a direct deposit being issued for their board duties. Laryna will discuss this issue with the Fiscal Department.

Laryna asked how often the board members would like to be paid for their board duties to ensure consistency. All members agreed to receive their compensation every three months.

8. Review, Discussion, and Possible Approval of Draft Permanent Regulation Pursuant to NRS Chapter 437, Applied Behavior Analysis (For Possible Action)

Jennifer recommended to have at least one more Public Workshop once LCB puts the regulations into draft format. She will reach out to the LCB to ask the timeframe of when these regulations will be drafted. Having one more workshop will allow the public's input before the regulations are finalized. Jennifer said it can take up to 18 months for this to be codified.

Jennifer suggested looking into the continuing education section in the regulations due to the comments that were received.

Dr. Milyko asked Julie Slabaugh to look at section 23 to see how it reads to her. Specifically, understanding the dates that the CEs must be completed. Julie said she will need to see the legislative history to understand what was meant because it is not clear. Julie is not certain there will be a clear answer, but she will look into it.

Dr. Fronapfel mentioned the dissatisfaction that was brought up in the last workshop regarding biannual renewal. She asked Julie to clarify that there is no wiggle room and must be renewed by December 31st. Julie said yes, it is biannual, and it is in statute. If individuals would like to change this, they will need to go to legislature in 2021.

Dr. Fronapfel went over the changes that were made from the Public Workshop. One of the biggest changes were aligning the two-year period of CEUs with the BACB with exception to the two units of instruction and suicide prevention. There were changes to the supervision sections making it the responsibility of the supervisor to document and report any RBT and LaBA changes to supervision or fluctuation to the Board. Regarding grounds for denial, NRS 437.400b, the language was changed as well as the removal of the felony.

Matt noted to consider social norms and changes such as potentially change he or she to non-gender language to try and be more inclusive to individuals. Julie stated that is usually what LCB does. LCB might change it back because that is how statutes are written. Christy recommended to remove the pronouns instead.

Matt motioned to accept the changes while submitting suggestions for gender inclusive language to the LBC. Christy seconded. All in favor, motion passed.

9. Discussion and Possible Approval of Board Members Job Descriptions **(For Possible Action)**

Dr. Milyko discussed the reason for job descriptions. She stated she has a resource that does this regularly that she would like to outsource the job description task to. Julie suggested anything the Board gets back for job descriptions should be in bylaws.

Christy suggested to know what this mission statement is first to understand the vision of what the job descriptions should be. Matt agreed with Christy.

Jennifer explained the way the state financial system would work. Depending on the cost, the outsource may have to go to RFP, become a vendor with the state, and they must have a state contract.

Rachel Gwin offered to write the job descriptions.

Dr. Fronapfel suggested the job descriptions should include educating the field what each board member's role is with the state. She also suggested to reference the bylaws from the Board of Psychology as a starting point for job descriptions.

Matt asked Dr. Milyko for specific examples as to what she is looking for in job descriptions. Dr. Milyko will try to provide these examples as they may be proprietary.

This agenda item was tabled.

10. Review, Discussion, and Possible Approval of Bylaws and Mission Statement **(For Possible Action)**

Dr. Milyko discussed ideas of what the mission statement would include.

Christy suggested to include overseeing the practice of ABA in the state and to protect the consumers. Christy created a mission statement for a good starting point.

Dr. Fronapfel explained, after looking at other mission statements from other states, that theirs are linking to the law and they may want to look at making the mission statement about regulating and educating.

Matt agreed with Dr. Milyko to include a biography in the mission statement.

The board members will bring more ideas next meeting and draft more language for the mission statement.

This agenda item was tabled.

11. Review, Discussion, and Possible Approval of Statement from the Board if Contacted for Comment by Members of the Press **(For Possible Action)**

Dr. Milyko clarified the Board is not allowed to talk about Board business outside of the Board. If there is a statement it will need to be drafted for the meeting.

Jennifer also explained they can identify as a member of the ABA Board, but they cannot speak on behalf of the Board.

12. Determine Future Agenda Items **(For Possible Action)**

Christy made a motion to include all standing items with the addition of revising forms for registration or licensure to include inclusive language, discussion of ABA Board email with possible statement from the Board, update on draft permanent regulations that includes gender inclusive language, board member job descriptions, discussion of bylaws, mission statement, vision and values, and a statement from the Board in case of contact by the press. Dr. Fronapfel seconded the motion. All in favor, motion passed.

13. 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. 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.)

Gwen Dwiggin gave a public comment. She thanked the ADSD staff for the tracking of incomplete applications. She stated it sounds like the applicants are not following up and this is not a Board or an ADSD delay. Gwen also asked for clarification of what inline means as the interpretation of it can lead to contesting this in the future.

14. Adjournment

Dr. Milyko adjourned the meeting.

NOTE: Items may be considered out of order. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body may place reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint.

NOTE: We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Laryna Lewis at (775) 687-0503 as soon as possible and at least one **business** day in advance of the meeting. If you wish, you may e-mail her at larynalewis@adsd.nv.gov. Supporting materials for this meeting are available at 3416 Goni Road, D-132, Carson City, NV 89706, or by contacting Laryna Lewis at 775-687-0503, or by email larynalewis@adsd.nv.gov.

Agenda Posted at the Following Locations:

1. Aging and Disability Services Division, Carson City Office, 3416 Goni Road, Suite D-132, Carson City, NV 89706
2. Aging and Disability Services Division, Las Vegas Office, 1860 East Sahara Avenue, Las Vegas, NV 89104
3. Aging and Disability Services Division, Reno Office, 9670 Gateway Drive, Suite 200 Reno, NV 89521
4. Aging and Disability Services Division, Elko Office, 1010 Ruby Vista Drive, Suite 104, Elko, NV 89801
5. Nevada State Library and Archives, 100 North Stewart Street, Carson City, NV 89706
6. Desert Regional Center, 1391 South Jones Boulevard, Las Vegas, NV 89146
7. Sierra Regional Center, 605 South 21st Street, Reno, NV 89431
8. Rural Regional Center, 1665 Old Hot Springs Road, Carson City, NV 89706
9. State Legislative Building, 401 S. Carson Street, Suite 3138, Carson City, NV 89701
10. Grant Sawyer State Office Building, 555 E. Washington Ave., Suite 4401, Las Vegas, NV 89119
11. Department of Health and Human Services, 4126 Technology Way, Suite 100, Carson City 89706

Notice of this meeting is also posted on the Internet: <https://ADSD.NV.gov> and <https://notice.nv.gov/>