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ABA BOARD MEETING MINUTES

Date of Posting: July 31, 2019
Date and Time of Meeting: August 6, 2019 10:00AM
Name of Organization: The Board of Applied Behavior Analysis
Place of Meeting: Nevada Early Intervention Services
2667 Enterprise Road
Reno, NV 89512

Videoconferenced to:

Nevada Early Intervention Services
1161 South Valley View, Suite 209
Las Vegas, NV 89102

Nevada Early Intervention Services
1020 Ruby Vista Dr., Suite 102
Elko, NV

AGENDA

I. Roll Call and Verification of Posting

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

II. 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.)

John Paul Saunders gave a public comment. He stated as a licensed Behavior Analyst, the forty-hour online training courses for Registered Behavior Technicians are often insufficient. The law now prohibits any type of skilled work during training. The BACB competency assessment for the RBT requires them to perform tasks with an actual client which is also now prohibited by law therefore is it now illegal to make RBTs before the grace period prior to registration with the state. It also remains unclear to him whether or not basic skills trainers are permitted to practice Applied Behavior Analysis with the state without being licensed or registered with the state. He realizes the difficulty in policing this however not policing it inherently punishes those who are following the law because of limits practice and negatively reinforces those who are not following the law. Some clarity on the practice act and how it will be regulated for these individuals would be greatly appreciated. Mr. Saunders indicated that he would provide the statement in writing.

Jennifer Frischmann with Aging and Disabilities Services wanted to share with the Board comments from Dr. Ken MacAleese regarding the draft regulations. She also stated the Small Business Impact Study is available on the website and is open through August 12th.

III. Approval of Previous Meeting Minutes (For Possible Action)

Christy made a motion to approve the meeting minutes from July 8, 2019 with the corrections suggested by Dr. Milyko and Matt Sosa. Matt seconded the motion, all in favor, motion passed.

Dr. Milyko requested to receive the draft meeting minutes a couple days before the next meeting to have more time to review.

IV. Discussion of Current Status of Applications and Other ASD Activities Including Status of Regulation Process

Laryna Lewis gave an update for the current individuals who are licensed and registered. There are 190 LBAs and 22 LaBAs that are currently licensed and 775 RBTs that are currently registered. There are 26 LBAs and 3 LaBAs pending. Those numbers should decrease soon as the exams were held on July 30th and we are waiting for payment and other pieces to complete the process. There are also 73 pending RBTs which is a big difference from last month.

Dr. Milyko discussed the accommodations Jennifer and Division staff made for the recent exam and complimented on the flexibility.

Dr. Milyko and Jennifer Frischmann discussed the possible hiring of a part time employee to help with ABA processing. Dr. Milyko also requested data on Division time spent on ABA processing.

A request was made by Dr. Milyko to send an email to the individuals who are newly licensed and registered to let them know they are registered or licensed with the State of Nevada and notify them of their license or registration number as well so they may start practicing. Jennifer said this will take up time, but we can absolutely do this. It is understood from a

business perspective that this will be beneficial for the individual trying to resume services to clients.

Matt Sosa recommended to add a verification page on the ADSD website so individuals can view who is licensed and registered with the state.

Jennifer clarified the process for fingerprinting. She explained that Live Scan does not mean the background results are immediate. It can take weeks before ADSD receives these results. If it has been over 30 days since your fingerprints were taken and you have not heard anything back from ADSD, please reach out and we will contact DPS.

Christy mentioned looking into how the Board would like to be notified of an RBT Supervisor change. Jennifer Frischmann stated a simple email to the Board would be sufficient. Dr. Milyko suggested adding to the website stating any changes to supervision should email the Board.

Jennifer inquired to the Board what the process should be when the Division receives a notice stating they are no longer an individual's supervisor and the new supervisor is not given. Christy stated that it is the responsibility of the certificant to notify the Division who their supervisor is. Julie explained to put this in the regulations.

V. Review of Financial Status

Jennifer stated ADSD started with approximately \$60,000 that was transferred from the Board of Psychological Examiners. The current balance is \$190,919 and are projected to have \$204,000 by fiscal calculations which is also based on what the Board may spend in that year.

Julie suggested using this money for investigations and disciplinary actions.

Dr. Milyko confirmed with Jennifer Frischmann that ADSD makes the budget.

VI. Review, Discussion, and Possible Approval of Changed Duties From ADSD to the ABA Board Due to the Passage of SB 258 (For Possible Action)

Discussion on the separate roles of the Board and the Division. Dr. Milyko discussed the Board's role is communicating practice, policy and regulations. The Division communicates only the application process.

Dr. Milyko suggested giving a board member access to view the Board inbox. This agenda item was tabled.

Julie suggested adding a FAQ on the website to help answer questions regarding the regulations.

Dr. Milyko suggested to change Dena's signature to the Board's signatures on the licenses and registrations.

Dr. Fronapfel motioned to include the Board member's signatures licenses and registrations if it doesn't cause undue barriers for the Division. Rachel seconded the motion. All in favor, motion passed.

VII. Board Statement to the Industry Regarding 30-day Grace Period for New RBT's Due to Passage of SB 258 **(For Possible Action)**

Dr. Milyko discussed the 30-day grace period is not in law for RBTs. The Board will send a memorandum stating RBTs can complete the background process while also waiting to complete the BACB registration requirements.

Jennifer suggested a second memorandum regarding background results. She explained employers may use this background check through the ADSD for the BACB, however the Division cannot give a copy of the background results nor can the information on the background be released. Dr. Milyko indicated this memo will be sent by the Division.

The Board's memo will be released by the end of the week and is effective immediately. Matt motioned to approve RBT 30-day memo with all the changes. Christy seconded the motion. All in favor, motion passed.

IX. Review, Discussion, and Possible Approval of Denying Applications for Failing to Disclose Convictions Revealed in Background Check Results **(For Possible Action)**

Jennifer complimented the RBT applications with less than 4% coming back as a positive background. Jennifer explained with all the backgrounds that did come back as positive, none of the applicants had disclosed. She recommended to automatically deny the applications that did not disclose. A letter of denial will be sent to the applicant and they will have to wait 30 days before reapplying. It is suggested to disclose even if believed it may not be visible on record such as having your records expunged.

The Board discussed this means the applicant would have to send a new application and another \$70.00 application fee. Refingerprinting will not be necessary as the background results are already received. If the application is denied a second time for nondisclosure, the applicant will come before the Board. Julie recommended to add this to the regulations.

Matt motioned to delegate to the Division the automatic denial of nondisclosures. Rachel seconded the motion. All if favor, motion passed.

X. Review, Discussion, and Possible Approval of Nominating a Board Member to Attend the Autism Related Meetings on Behalf of the Board **(For Possible Action)**

There was discussion on which board member should attend meetings that are related to the ABA Board. These meetings would have one board member speak on behalf of the board and would put a process in place so if the selected member cannot attend the meeting, to have the next selected board member available to attend. Christy explained

this comes with responsibility in representing the Board well and staying in line with the Board's duties.

Christy motioned to approve a hierarchy of board member attendance to attend meetings that affect our practice within our state to include consumer services with behavior analysis. Matt seconded the motion. All in favor, motion passed.

XI. Review and Possible Approval of a Mission and Values Statement from the Board
(For Possible Action)

This agenda item was tabled.

XII. Determine Future Agenda Items (For Possible Action)

Jennifer had noted for next agenda items to include possible inbox overview, adding an agenda item to discuss more on the Board's mission statement, and continue the work on regulations. Dr. Milyko also suggested adding by-laws and job descriptions such as the duties of each board member.

Christy made a motion to add the future agenda items discussed. Matt second the motion. All in favor, motion passed.

XIII. Determine Future Meeting Dates (For Possible Action)

There will be a Public Workshop the beginning of September. Future meetings will be held at the LCB in the North and South. This should help with the technology issues that were experienced in the past meetings.

XIV Public Comment

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Jazmin gave a public comment on behalf of Dr. Tedoff. Dr. Tedoff had received communication from ATAP on July 23, regarding the RBT grace period. Dr. Tedoff says he is under the impression that ATAP and the ABA Board are separate entities. If ATAP or any other agency is distributing policy explanations, he will not accept it unless heard directly from the Board and will receive outside information as hearsay. He had called the Board several times for clarification and the calls were not returned. His office manager has reported to Dr. Tedoff that many emails go unanswered. One email was regarding a refund for the \$70.00 RBT application fee. This all makes it confusing and the poor communication from the Board makes an impact on our ability to bring service to children with Autism and their families.

XV. 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/>