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## **ABA BOARD MEETING MINUTES**

Date and Time of Meeting: November 20, 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

### **AGENDA**

#### **1. Roll Call and Verification of Posting**

Laryna verified posting. Dr. Kerri Milyko, Christy Fuller, Dr. Brighid Fronapfel, and Matthew Sosa were present during roll call and proceeded with the meeting since there was quorum. Laryna Lewis stated for the record that Rachel Gwin was present shortly after the meeting began.

#### **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.)

No public comment.

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

The Board discussed the previous draft meeting minutes from October 16, 2019. Matt made a motion to approve the meeting minutes with the one grammatical change. Christy seconded the motion. All in favor, motion passed.

4. Discussion of Current Status of Applications and other ASD Activities Pertaining to Applied Behavior Analysis Including the Status of the Draft Regulations Pursuant to NRS 437

Jennifer Frischmann gave an update on the status of the draft regulations to the board members. Jennifer stated the draft regulations were originally submitted in May. On November 8, 2019 Jennifer was notified the regulations would not be accepted because the draft regulations needed to be submitted by the Board. These were then given to Dr. Milyko to submit and have now been accepted by LCB.

Dr. Fronapfel explained her conversation with LCB. This was regarding the three-year versus five-year time limit in active status as well as language around the loss of licensure. She also asked LCB the gender questions the board members had and it was reported that the language will not be changed to keep the consistency with all other present NRS statutes. To change the gender language, it would need to go through legislation and be passed in a bill.

Laryna Lewis discussed the current application status. Laryna stated there are 126 RBTs, 15 LBAs, and 3 LaBAs pending. There are now currently 229 LBAs and 25 LaBAs licensed with the state as well as 988 RBTs that are registered. In October, there were 79 RBTs registered, 2 LaBAs and 11 LBAs that were licensed.

Christy questioned the reason for the high number of pending RBTs. She asked if this might be due to allowing the RBT to submit their application prior to registering with the BACB. Laryna agreed that this was a good assumption since the reason for pending is mostly due to the applicants waiting to be verified on the BACB website.

Christy stated to employers to remind their RBT to notify the board once they have passed the exam and provide proof along with proof of the supervisor so they may be able to practice.

Jennifer added the Division does not have the resources to continually check on applicants who have passed the BACB exam. Also, the applicants will receive a letter that says they have passed the exam, yet they do not have a supervisor assigned to them. The Division cannot issue registration and they are not permitted to practice until a supervisor is listed. ASD has had to shred 13 background

checks. These are backgrounds with no application and were also not listed on the BACB so the Division was not able to contact their supervisor.

Christy added the solution to this issue is to have the application and waivers signed and submitted to the Division and wait for the fingerprint email before completing the fingerprinting.

Jennifer noted an email disclaimer was created and the Division will do their best to continue to add this below every email. This does have to be manually placed in each email which can leave for a possibility that this disclaimer may not always be present.

Laryna read the disclaimer to the board members. Julie Slabaugh made a recommendation to the disclaimer statement. Christy clarified the specific wording. Matt stated there was previous discussion on putting this disclaimer in email versus displaying the disclaimer on the website and if this would be placed on the website as well. Jennifer stated this can be done and only wanted to make sure this was suitable first.

Dr. Milyko began to discuss the future board meeting locations. Jennifer stated we are booked through the end of this year at the LCB. Jennifer asked if the board would still like to meet monthly. Dr. Milyko would like to place that as an agenda item to discuss during the meeting next month.

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

Jennifer discussed the current financial status. Our current total is \$322,750. Fiscal stated there are no current concerns and more history will help with the projections. There will be a meeting in January to review more with the Division.

Dr. Milyko and Jennifer Frischmann discussed the laws relating to who is responsible for the financial status. It was acknowledged that the law states the money accrued must go into board.

6. Review, Discussion, and Possible Approval of Having a Board Member, State Staff and the Senior Deputy Attorney General Attend the Federation of Associations of Regulatory Boards Conference (**For Possible Action**)

Dr. Milyko explained the importance of attending the conference as well as the expenses. The BACB will pay for the registration to the conference but will not pay for the flight and hotel. Dr. Milyko proposed to send Dr. Fronapfel to the conference.

Jennifer stated it is estimated to cost \$5,000 for Julie Slabaugh, a board member, and herself to attend which will be taken out of the ABA Board budget. This estimate does not include the registration cost that the BACB said they would cover.

There was discussion on sending more than one member to this conference.

Christy agreed sending more bodies to this conference would be beneficial since this board is new.

Rachel nominated Matt to attend the conference to have a Las Vegas representative.

Dr. Milyko asked if there is a motion to send three board members to the conference.

Matt and Christy confirmed their schedules are clear to attend the conference. Dr. Fronapfel stated she does have a prior engagement on January 25, 2020 and her attendance is tentative. Rachel Gwin stated it would not be feasible for her to attend the conference. Dr. Milyko stated she will not attend the conference.

Jennifer stated it is a rough calculation of \$7,500 for three board members, Jennifer and Julie to attend the conference.

Matt made a motion to send three board members in addition to Jennifer and Julie to the conference in 2020. Rachel seconded the motion. All in favor, motion passed.

Dr. Milyko stated to notify the Division no later than January 1, 2020 to confirm attendance.

7. Review, Discussion, and Possible Approval of Frequently Asked Questions for the ADSD Website **(For Possible Action)**

Christy recommended to defer the FAQs to the Division who receive emails from the individuals.

The Division began discussing possible FAQs. Jennifer stated most questions are regarding what the status is for applications. Board members engaged in more possible FAQs to add.

Dr. Milyko will send these FAQ ideas to Jennifer so board members and staff can go through this list. Jennifer mentioned if anyone has an idea to add to this, they can send the Division an email.

Christy stated ADSD will continue to do their best in answering questions or contact a board member for clarification. Christy also stated a lot of these answers can be found in our law and regulations.

This agenda item was tabled.

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

Each of the board members discussed their values and evaluated the most appropriate values that may be included in the mission statement.

This agenda item was tabled.

Dr. Milyko proceeded to speak about the bylaws such as what would happen if a board member disciplinary actions against a board member. Julie stated most boards would write a recommendation letter to the governor to remove a board member. Matt advised to look at this on a case by case basis.

Dr. Milyko will send Jennifer examples of other by laws to pass on to the rest of the board members.

This agenda item was tabled.

#### 9. Determine Future Agenda Items (For Possible Action)

Christy suggested to hold elections for some electives on the board in 2020. Dr. Milyko discussed adding FAQs, job descriptions, standing items, and frequency of meetings.

Christy made a motion to include all standing agenda items with the exception of item 6, 2020 elections for board member positions, frequency of meetings in 2020 and job descriptions. Matt seconded. All in favor, motion passed.

#### 10. Public Comment

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Gwen Dwiggins gave a public comment. Gwen requested information on suicide prevention occurrences and to provide this information to the other providers.

#### 11. 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.

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**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](mailto: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](mailto: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 21<sup>st</sup> 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/>