

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: July 8, 2019 10:00 AM

Name of Organization: The Board of Applied Behavior Analysis

Place of Meeting: Nevada Early Intervention Services
2667 Enterprise Road
Reno, NV 89512

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

MINUTES

I. Roll Call and Verification of Posting

Laryna Lewis verified posting. The five members of the Board were present: Dr. Kerri Milyko, Christine 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.)

Jack Coronel gave a public comment regarding clarity on whether or not a Behavior Analyst can provide service without jeopardy to his/her license to private pay families or entities, who employ non licensed individuals, tutoring their children.

Dr. Tedoff gave a written public comment and was received by the Board.

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

Matt Sosa recommended a correction to Dr. Gina Green's name. Christy motioned to accept the meeting minutes from June 13, 2019 with the correction, second by Dr. Fronapfel. All in favor, motion passed.

IV. Review, Discussion, and Possible Approval of Board Members Draft of Permanent Regulations **(For Possible Action)**

Dr. Milyko explained the current regulations were adopted and put in place in order for the Board to function. The regulations will have more sections as well as elaboration with the current sections to help with clarity. Additional sections that will be looked into are: the Board's duties, complaints and disciplinary actions, ethics and best practices, telehealth and telepractice, definitions worded in the NRS, and created a section for provisional licenses.

Jennifer Frischmann discussed additional thoughts on potential problems with provisional licenses such as Behavioral Analysts who have a provisional license are also supervisors, including out of state supervisors of RBT's. Jennifer suggested an explanation on what would happen to the provisional license if they fail the state exam.

Discussion about temporary and provisional license. Temporary license will be taken out of regulations since it is not in the NRS. Provisional license will change from being valid for one year to being valid for not more than 90 days. Christy suggested at least one State Exam should be offered in this 90 day window.

Christy suggested to ask Dr. Green for guidance on the definition of "good cause" when processing applications.

The Board discussed the definition of "tutoring" is performing an academic service without providing applied behavior analytic services.

Dr. Milyko shared concerns with telehealth of needing a face to face meeting to ensure the service is appropriate. Matt Sosa explained this service should depend on the case and agreed with Dr. Milyko with an inperson visit. Christy explained telehealth can be a very useful service to have due to our state being very rural. Putting too much regulation on telehealth can make it difficult for the consumer to receive services or may make services unavailable. Regulation should be to ensure the consumer's are protected and maintain high quality of services. Initial in person visit was tabled.

Matt Sosa explained individuals should be allowed to be licensed when residing in another state due to the rural population. Jennifer Frischmann also noted that there would be a lot of licenses we would take away if we decided to not allow this. Dr. Fronapfel stated out of state RBT supervision is fine as long as they are adhering to the BACB standards. The Board agreed a person providing applied behavior analytic services via telehealth from a physical location outside Nevada shall be licensed by the board. Also, if an RBT is providing services through telehealth then they should be registered through the state as well.

Christy suggested to refer to other practices and see what is required from them regarding telehealth services. Dr. Fronapfel made a comment saying telehealth is a new service. In the future, the BACB may write telehealth into their regulations.

Dr. Fronapfel made edits to the State Exam section by changing from four attempts to two attempts to pass the exam. Jennifer Frischmann requested to shorten a 30 day notice to a 10 day notice to individuals prior to the exam date. Dr. Fronapfel accepted this change. There will be continued discussion on whether or not to keep the State Exam with Dr. Green during the workshop.

Matt Sosa discussed other states regarding CEUs. Very few states had these requirements and defaulted to the BACB. Continuing education seems to be unnecessary work. Julie Slabaugh stated it is written into Nevada law where the Board shall have CEUs written into regulation. Christy made a recommendation to determine if we want to be the same as the BACB or more stringent with the CEUs. Dr. Fronapfel explained there must be 32 hours of CEUs and two of those hours must be Suicide CEUs. These 32 hours must be completed every two years.

Matt Sosa also indicated continuing education would lead to unnecessary work and instead utilize the BACB requirements. The Board decided this will be scrapped.

Christy suggested to align with BACB supervisor requirements. In addition, to add documentation of supervision of the RBT. Christy would like to recommend keeping RBT records/documentation for at least 7 years by the LBA and by the supervising LaBA. Board members agreed.

Board members agreed to define “face to face” as meetings inperson, onsite observation, webcams, video conferencing or similar means.

Discussion of Board members completing their edits for Dr. Gina Green to review before the workshop by the following Wednesday.

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

This agenda item was tabled.

VI. **Determine Future Meeting Dates (For Possible Action)**

Future Board meeting is set for August 6, 2019. There will be a separate open/closed meeting for applicants who did not disclose that will be up for the Board’s review.

Dr. Milyko requested for Jennifer Frischmann to do a Doodle Poll to map out future meetings.

VII. **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.)

Lenise Kryk gave a public comment stating she appreciates the Board taking on this task of ensuring the regulations has what is needed. Lenise continued by explaining the difficult process of understanding what the boundaries of the regulations are and clarification in regards to exemptions.

Gwen Dwiggin gave a public comment regarding provisional licenses. In agreement with Matt, receiving references or background checks, any piece of that, is critical prior to sending provisionals and is irresponsible to not do so. Also, video conference without restriction was mentioned and wants to ensure one hour has to be directly providing services with the individuals and said video conferencing should not be without restriction. This information of restriction can be referred back to the BACB. In the state of Ohio there is a disclosure for the "tutor" vs "tutoring" issue. You are either an RBT all of the time or none of the time and if none of the time you cannot be providing these services.

XIV. Adjournment

Dr. Milyko adjourned the meeting.

NOTE: **Pursuant to NRS 241.030(1), The Nevada Board of Applied Behavior Analysis may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

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/>