



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: April 9, 2019 10:00 AM

Name of Organization: Applied Behavior Analysis Board

Place of Meeting: Aging and Disability Services Division
9670 Gateway Drive
Reno, NV 89521
First Floor Conference Room

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

MINUTES

I. Roll Call and Verification of Posting

Mariana Acevedo verified posting. 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.)

Jamie Hutchison from Welfare clarified regarding a new bill that is opening the school district for children to receive ABA services. Children will be able to receive services at home and at school. Public workshop will be held April 23rd at 2pm, posted online.

Tina Walsh stated her concerns regarding RBT registration, fingerprint backups and the timeline is coming up.

III. Introduction of New Board Member, Rachel Gwin

New board member Rachel Gwinn, she is the member representing the public. Rachel has an autistic daughter which led her to apply for the board appointment.

IV. Approval of Meeting Minutes **(For Possible Action)**

Dr. Milyko requested a change to Jay Summers' name. Matthew made a motion to accept the meeting minutes, second by Christine. All in favor, motion passed.

V. Presentation from Nevada Association for Behavior Analysis on Current Bills Affecting the Practice of Behavior Analysis **(For Possible Action)**

Gwen Diggins from NABA presented the following bills:

The changes presented to SB286 regarding the Board and ADSD sharing responsibilities and changes to the background checks. Regarding SB287, language regarding RBTs was removed. SB216 has not been discussed by NABA, will establish a new commission. SB370 will expand ABA services for children with Fetal Alcohol Syndrome. SB174 proposed an increase for RBT reimbursement through Medicaid.

VI. Discussion and Determination on how the Board Would Like to Testify During Legislative Session **(For Possible Action)**

Through discussion it was decided SB174, SB202 and AB 287 did not pertain, and no comment would be submitted on behalf of the Board.

The Board discussed a neutral statement regarding SB216 recommending a licensed LBA to be part of the commission. Christine made a motion to provide this neutral testimony, to be written and presented by Dr. Milyko. Second by Dr. Fronapfel, all in favor, motion passed.

Christine made a motion for Dr. Fronapfel to create a neutral statement regarding competency within code of ethics for SB370. Second by Matthew, all in favor, motion passed.

The Board discussed changes on SB258 regarding abolishing the interventionist position, Division/Board duties delegation and revisions of background check provision. Christine made a motion for Dr. Milyko, representing the ABA Board, to make a statement of support regarding the three changes discussed. Second by Dr. Fronapfel, all in favor, motion passed.

Dr. Fronapfel made a statement reminding the ABA community to be involved in the legislative process, especially regarding bills such as SB258, as these will affect and regulate the practice.

VII. Review of Fiscal Status

Jennifer Frischmann presented attachment A, provided by ADSD fiscal. IFC took place last week, and budget account 3207 was given three new categories. Board salary will be processed for three Board meetings, including this one.

VIII. Discussion and Determination of Board Member(s) to Review Applications **(For Possible Action)**

Discussion regarding problematic background checks and appointing a Board member to be on call per month for these instances.

Jennifer explained in the application there is a question regarding convictions and applicants are required to check "yes" or "no". An application would become problematic if this portion is checked "no" and the background check comes with a positive conviction. She explained the state procedure where the applicant is given an opportunity to explain any convictions that might have showed up. She suggested using NRS 449 as a criminal disqualifying guideline.

Dr. Fronapfel suggested adding a section on the application, letting the applicant know that failure to disclose a conviction would red flag their application and could possibly affect their opportunity to receive a license.

Christine recommended the following issues should become a red flag on applications. Failure to disclose, negative reference letters, complaints or if certification has not been in good standing or disciplinary action has been taken against them, multiple convictions of similar nature, specific convictions or any convictions that the Board reviewer has concerns on.

Christine made a motion for Ms. Gwin to do research and possibly bring a list of what might be considered a red flag under background checks. A board member was appointed to be on call monthly for background check reviews; Christine for April, Matthew for May, Dr. Fronapfel for June, Rachel on July and Dr. Milyko for August. Second by Matthew, all in favor, motion passed.

IX. Discussion and Determination on Moving Forward with Permanent Regulations **(For Possible Action)**

After discussion regarding permanent regulations and timeline, the Board decided to split the temporary regulations between them for research and bring their proposed language to the next Board meeting for presentation and discussion.

Christine decided to take the supervision portion of the regulations and the RBT section.

Dr. Fronapfel took the exam portion for research and education section.

Dr. Milyko will research the renewal, inactive and provisional portions of regulation.

Matthew will do research on continuing education.

Dr. Milyko discussed reaching out to Dr. Gina Green an expert who has helped NABA for a possible presentation regarding regulations.

X. Discussion and Determination on Board versus Division Duties and Data Collection/Evaluation to Support Progress and Workload **(For Possible Action)**

Jennifer Frischmann presented a list detailing division duties, Attachment B.

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

Christine made a motion to include standing items, a presentation from NABA on current bills, Board position on Legislative bills, review of draft regulations and research, and updates from ADSD on applications. Second by Matthew Sosa, all in favor, motion passed.

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

A doodle poll will be sent out to the Board members, hoping to meet the week of May 6th.

Discussion on adding a conference line to the next board meeting, as a try out.

XII. 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.)

Tina Walsh mentioned provisional licenses are not accepted by insurance companies or Medicaid.

Jennifer Frischmann clarified Medicaid is accepting provisional licenses.

XIII. 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 Mariana Acevedo at (775) 684-5956 as soon as possible and at least one **business** day in advance of the meeting. If you wish, you may e-mail her at MAcevedo@adsd.nv.gov. Supporting materials for this meeting are available at 3416 Goni Road, D-132, Carson City, NV 89706, or by contacting Mariana Acevedo at 775-684-5956, or by email MAcevedo@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/>