



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>

MEETING MINUTES

Date of Publication: January 18, 2019

Date and Time of Meeting: January 28, 2019 8:30AM

Name of Organization: The Board of Applied Behavior Analysis

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

I. Roll Call and Verification of Posting

Jennifer Frischmann conducted the roll call. The four members of the ABA Board were present in Reno, Dr. Kerri Milyko, Christine Fuller, Dr. Brigid Fronapfel and Matthew Sosa.

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.)

No public comment.

III. Introduction of Board Members and State Staff

Jennifer Frischmann, Quality Assurance Manager, in charge of implementing NRS 437.  
Julie Slabaugh, Senior Deputy Attorney General, ADSD's legal council.  
Melissa Lewis, ADSD ASO IV, Fiscal Unit.  
Mariana Acevedo, ADSD Administrative Assistant.

IV. Open Meeting Law Presentation, *Julie Slabaugh, Senior Deputy Attorney General*

Julie Slabaugh recommends not having an ending time on the agenda. Discussions can only consist of posted agenda items and agendas have to be posted by 9 am, three business days prior to the meeting. She also recommends being careful with call in numbers due to the possibility of being put on hold and meeting would have to stop. There

are no requirements for call in numbers or video conferences as long as they are not posted and the board meets in a posted public space.

Julie Slabaugh advised two or more members creates a subcommittee that would also have to follow Open Meeting Law. Single members can work on a project alone, without communicating with other members of the board, outside of the public meetings. ADSD should email Board members individually regarding agenda, topics to discuss and project findings. Members should avoid discussing Board business outside of public meetings. Public workshops have a posting requirement of 15 days and a public hearing requires 30 days.

Dr. Kerri Milyko inquired about Board members responding to emails as the Board and Julie advised this would not be feasible as the Board would have to approve, direct and delegate responses at a public meeting.

Julie Slabaugh stated a deliberate violation of the Open Meeting Law is a misdemeanor. If by accident something is voted on and it wasn't in the agenda for possible action, it would become void.

V. Overview of State of Nevada Fiscal Processes, *Melissa Lewis ASO IV ADSD*

Jennifer Frischmann stated ADSD's fiscal department will manage the board funds and fees received. Around 64,000 have been received from the Board of Psychological Examiners (BoPE), which came from renewals submitted prior to December 31, 2018, minus a 10% admin fee.

Melissa Lewis stated the funds are in an executive budget account (3207) and are subject to Interim Finance Committee approvals. Any revisions to this budget account would have to be with a work program through the IFC, which would take 2-4 months. At this time there is one operating category (01), but another one is in the works for personnel (04), to pay for the Boards' per diem and salaries. For application fees ADSD is only allowed to receive checks and money orders.

Jennifer Frischmann stated the BoPE meets monthly and has decided to not take salary or per diem in order to maintain their costs to a minimum. Funds need to last the biennium, but additional funds are projected to be received due to the new RBT registrations. Common expenditures would be per diem, license forms, seals, contracting for investigations and maybe a possible contract staff to process licenses. There will be a standing fiscal agenda item, for updates on funds and expenditures.

VI. Presentation of Emergency Regulations and Posted Draft Regulations

Jennifer Frischmann introduced the emergency regulations and stated these were put in place in order to keep the licensing process active. She stated ADSD had taken most of the wording directly from BoPE and they are good for the next 120 days. Draft regulations that mirror the emergency regulation have been posted to proceed with temporary regulations, which if approved by the Board, would be effective from May 1<sup>st</sup> through November 1<sup>st</sup>.

Julie Slabaugh gave guidance to the Board toward drafting new permanent regulations and how they could not conflict with the existing NRS. The Board will create the “policy” (NAC) and ADSD will be the enforcer and will set all fees. Julie explained why emergency and temporary regulations have to be put in place, as the NV legislature meets this year and permanent regulations are not accepted for review until July 1st.

Jennifer Frischmann explained the time frame, if the Board decides to change the posted temporary regulations. This would include a new small business impact study, a public workshop, an impact statement, hand new regulations to LCB and hold a public hearing to formally adopt. If timelines are not met, licensing would cease and current licensees would have no regulations to follow.

VII. Discussion, recommendations, and possible approval of procedures to draft regulations  
(For Possible Action)

Agenda Item was taken out of order, Item VIII. Election of President and Secretary-Treasurer went first.

Jennifer Frischmann advised the Board on the timeline to proceed with the temporary regulations and how only unsubstantial changes can be made after the public hearing is held. Jennifer recommended the Board meet after the public hearing, to go over public comment and decide on making any unsubstantial changes to the temporary regulations.

After discussion on timelines and procedures, Brigid recommends the Board stay with the posted regulations and follow through with the public hearing as soon as possible. This will give the Board more time to work on the permanent regulations

VIII. Election of President and Secretary-Treasurer (For Possible Action)

Jennifer Frischmann explained the two positions to vote for President and Secretary/Treasurer. These positions will be voted on yearly.

A motion was made for Christine Fuller to act as Secretary/Treasurer and all Board members voted Aye.

Dr. Kerri Milyko made a motion, to nominate herself as president, second by Christine Fuller and all Board members voted Aye.

IX. Determine Future Agenda Items (For Possible Action)

Christine Fuller made a motion to add the following items to the future meeting agenda. Discussions for future test schedule, application process and public workshop recommendations. Standing agenda items for fiscal updates, approval of meeting minutes, pending applications, emails, future agenda items and meeting dates. Motion approved.

X. Determine Next Meeting Date (For Possible Action)

The Board decided to hold a Public Workshop for the posted temporary regulations on February 13, 2019 at 9 AM.

The next Board meeting will be held after the workshop on February 13, 2019 at 1 PM.

Jennifer Frischmann will fly to Las Vegas and join Matthew Sosa, to hold the Public Workshop and the Board meeting on February 13.

#### XI. Public Comment

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Ken MacAleese gave public comment regarding the Board and their future work. He suggested the Board got over BDR 248 and he voiced his concerns regarding ADSD's control over the licensing and registration process and hopefully have this changed in the next session.

#### XII. Adjournment

President Dr. Kerri 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 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](mailto: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 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/>