



---

## APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date and Time of Meeting: May 26, 2020 10:00 AM  
Name of Organization: The Board of Applied Behavior Analysis  
Place of Meeting: Aging and Disability Services Division  
Teleconference:

**Please place your phone on mute unless providing public comment.**

In accordance with Governor Sisolak's Declaration of Emergency Directive 006; Subsection 1; The requirement contained in NRS 241.023 (1) (b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

**Board members will be attending telephonically and via ZOOM. Members of the public will also participate via teleconference or ZOOM.**

<https://zoom.us/j/96709803205?pwd=NHRhR256ZC82ZSsxb21ycWtGZitZZz09>

**Meeting ID: 967 0980 3205**

**Password: 284157**

**One tap mobile**

**+16699006833,,96709803205# US (San Jose)**

**+12532158782,,96709803205# US (Tacoma)**

AGENDA

### 1. Roll Call and Verification of Posting

Laryna Lewis verified the agenda was posted on time. Laryna began roll call at 10:00 AM. The following board members were present: Dr. Brigid Fronapfel, Christy Fuller, Dr. Kerri Milyko, and Matthew Sosa. Rachel Gwin was not present. Meeting proceeded with quorum.

## 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 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.)

Matthew Lehman gave a public comment. He stated he spoke at the last meeting and wanted to follow up with this meeting as well. He would like to urge the board to take into consideration for the possible action item later in this board meeting for telehealth coverage. Because of the holiday, he was not able to have Gina Green on the call. Matthew has reached out to some of the Nevada legislature individuals who are conducting a survey relative to the status of ABA in the state of Nevada and has spoken to them. He wanted to reach out to the board to share this as well as that he reached out to a number of other providers for their concerns relative to this and is hoping some will join in on the public comment.

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

Christy discussed a typo in the previous meeting minutes for agenda item 10. No other board members saw further corrections or suggestions to the minutes.

Christy motioned to approve the meeting minutes from May 18, 2020 that includes the edit to item 10. Dr. Milyko seconded the motion. All in favor, motion passed.

## 4. Draft and Approve an Updated Statement Issued by the Nevada Board of Applied Behavior Analysis Regarding Telehealth Guidance on COVID-19 (For Possible Action)

Dr. Fronapfel discussed her draft statement regarding telehealth guidance. She was recently in a meeting with Gina Green to discuss this topic. Gina Green provided feedback on not only APBA but also clarified some of the BACB's stance on this issue and gave some guidance. Gina Green had also pointed out in the meeting to Dr. Fronapfel that other licensing boards have not been pressured to write such a statement. No other state that Ms. Green is aware of have has had to put this in writing.

Dr. Milyko stated that she reached out to the lawyer for the BACB and investigated channels that connect you to other licensing boards. RBTs are not in statute with the other licensing boards as they are with Nevada. Dr. Milyko received some language from the BACB lawyer and sent the information to Medicaid to see if this would be substantial enough to proceed with covering these services. Medicaid had then reached out to Jennifer Frischmann.

Jennifer Frischmann wanted to clarify that this is really a Nevada Medicaid specific requirement. She stated that she understands the BACB, being a national organization, is not taking a role in the decision. The board just needs to develop a

statement so that Medicaid knows that the board is in support of using telehealth when appropriate. As a practitioner, if you feel that the individuals you are serving would not benefit or perhaps your RBT does not have the correct training to do telehealth, that is all on the practitioner and supervisor. Jennifer also explained that in a lot of cases and given the unique circumstances, that could be something the board may want to explore.

Christy stated that when they were creating the regulations, it was to her understanding that they were not providing any additional limitations or guidance on telehealth. Like the BACB, the board has chosen to consider telehealth under the same umbrella of in-person services. ABA services can be in-person or through telehealth and that the board was choosing not to put any additional restrictions that would create barriers to treatment, especially since being a rural state. If people are in compliance with the professional and ethical code of conduct, as far as practicing within one scope of treatment, or practicing within one scope of training, and the person(s) delivering telehealth services are adequately supervised following the ethical code of conduct, the delivery of evidence-based empirically supported treatment should be good.

Matt stated he thinks the big hurdles, especially talking about the 53-code given that its direct one-on-one services, is it will vary widely. There are absolutely clients that will benefit from one-on-one telehealth services and there are absolutely clients that will not benefit. He wonders if they should try to operationalize this.

Dr. Fronapfel shared the statement give by APBH regarding telepractice.

The board members further discussed the development of their telehealth statement.

Dr. Fronapfel requested a motion for the statement developed. Dr. Milyko motioned to accept and send out the statement for clarifying telehealth practice in the state of Nevada. Matt seconded the motion. All in favor, motion passed.

## 5. 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.)

Dr. Patrick Leytham gave a public comment. Dr. Leytham wondered if it was advantageous to change the word encourages to mandates when discussing HIPAA compliant software on the document recently approved. He fears some practitioners may see that and say they are just encouraging them to use HIPPA compliant software instead of being mandated to use it. He believes it will lessen the liability from the board's perspective. Dr. Leytham also wanted to comment by stating he is actively submitting IRB protocols to Tauro University and UNLV to look at the data comparing his two clinics he has in terms of the progress their clients

are making, whether or not they are receiving telemedicine or telepractice, according to the APBA, or not as their University clinic is shut down.

Matthew Lehman gave a public comment. He wanted to thank the board for acting so quickly to looking into this and just to be clear, it was never him saying that they didn't want to do this, there was clearly a barrier and he appreciates the board stepping up and doing this so quickly.

Brian Feeney gave a public comment. He seconded the previous comment and stated that he appreciates that the board is giving time to look into this given the gray area that they ran into specifically to this state with Medicaid. Mr. Feeney appreciates the language within the document.

## 6. Adjournment

Dr. Fronapfel adjourned the meeting at 10:42 AM.

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](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).

**In accordance with Nevada Governor Sisolak's Declaration of Emergency Directive 006 there will not be a physical location for the Nevada Board of Applied Behavior Analysis. The public is strongly encouraged to participate by phone or ZOOM link and download any material provided for the meeting at the website addresses below.**

- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 3: The requirements contained in NRS 241.020 (4) (a) that public notice agendas be posted at physical locations within the State of Nevada are suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 4: Public bodies must still comply with requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 5: The requirement contained in NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended.
- As per Nevada Governor Sisolak's Declaration of Emergency Directive 006; Subsection 6: If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one.

Agenda and supporting materials posted online on the following sites:  
<http://adsd.nv.gov/Boards/ABA/ABA/>