



APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date of Posting: June 16, 2020
Date and Time of Meeting: June 23, 2020 2:30 PM
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/92765135913?pwd=cjBxYmJBOXFzQXBrU3RrclA5N0tDQT09>

Meeting ID: 927 6513 5913

Password: 913374

One tap mobile

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AGENDA

1. Roll Call and Verification of Posting

Laryna Lewis verified the agenda was posted on time. Laryna began roll call. The following board members were present: Dr. Brigid Fronapfel, Christy Fuller, Dr. Kerri Milyko, Matthew Sosa, and Rachel Gwin. 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.)

No public comment.

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

Christy Fuller suggested a correction to agenda item 4 and agenda item 5.

Christy made a motion to accept the previous meeting minutes for May 26, 2020 with the two modifications mentioned. Dr. Milyko seconded the motion. All in favor, motion passed.

4. Hearing to Consider Amendments to Nevada Administrative Code (NAC) Chapter 437 Related to the Practice of Applied Behavior Analysis in Nevada in LCB File No. R045-19 **(For Possible Action)**

The President of the board began the Hearing to discuss each amendment, as provided in the Public Hearing Notice, with the board members. There were no objections to the amendments.

Dr. Milyko motioned to adopt the changes to the regulation as stated. Matt seconded the motion. All in favor, motion passed.

5. Approval of Evaluation Team to Select Vendor for Licensing/Registration Software **(For Possible Action)**

Jennifer Frischmann gave background for the discussion that took place last meeting regarding the selection of a licensing software. In the previous meeting, it was decided to go with the selected vendor to implement some of the online registration and licensing platforms. Further clarification was received for this process. Suzannah Johnson, ADSD IT, and Mariana Acevedo, ADSD Contract Manager, were present to explain this process in detail. Mariana explained the state contracting process is to go out and create an informal solicitation where you have at least three vendors to choose from. An Evaluation Committee would need to be formed. Each committee member would then choose their preferred vendor based on criteria. Mariana further explained that Suzanna reached out to other companies and received each of their quotes.

Dr. Milyko asked for some clarification as she believed this was something discussed before. Jennifer explained they did not need to go into Request for Proposal (RFP). Certemy recently became a state vendor. Jennifer was not aware of the informal solicitation that would then need to occur. She continued to explain the board now will need to decide who will be part of the evaluation committee.

Suzanne explained there are three vendors to choose from. By state law, a balanced choice must be made, and you have to get the information. Suzanna explained her and Mariana have supported the board by flushing out the information that is needed for the paperwork to make the choice. In the selection packet, there is a spreadsheet to compare vendors.

There was discussion between Julie, Mariana, and Jennifer regarding how the committee members should be formed to ensure a closed meeting abides the Open Meeting Law (OML). It was determined that only one board member should be selected to take part in the Evaluation Committee.

Dr. Milyko volunteered to represent the board to take part in the software selection as an evaluation committee member. Matt agreed since Dr. Milyko attended FARB and discovered the Certemy software.

Dr. Milyko made a motion that she is part of the committee to review and select the licensing and registration software as well as allowing the Division to appoint their own staff to be part of the committee. Matt seconded the motion. All in favor, motion passed.

6. Discussion of Current Status of Applications and other ADSD Activities Pertaining to Applied Behavior Analysis Including Board Direction to Aging and Disability Services Division for Renewal Process **(For Possible Action)**

Jennifer began by explaining the need for direction from the board regarding how they want to roll out the renewals.

Dr. Milyko asked if this software will be in place by then. Jennifer explained that it depends how quickly the process moves forward with evaluating and the time it would take for the software chosen to begin the set up.

Laryna Lewis explained that she is getting a little worried because the last board did not have to register almost 1300 RBTs. She explained she would like to get this process going as quickly as possible just so it does not hit all at once. Laryna explained they may want to consider hiring someone temporarily for at least a couple months.

Laryna moved on to provide updates on processing. The completed numbers are as follows: 1,237 RBTs, 33 LaBAs, 265 LBAs. The pending numbers are as follows: 97 RBTs, 1 LaBA, 23 LBAs. There were 27 RBTs, 1 LaBA, and 14 LBAs completed in May. Laryna also noted for the month of June, there are 13 RBTs, 2 LaBAs, and 3 LBAs completed.

Dr. Milyko asked how many exams have been held. Laryna responded by stating they are doing back to back exams; they are held about once a week and are trying to get people through. Laryna explained since they have that opportunity in Las Vegas where the conference room is basically open since people are not congregating. Laryna explained that she is trying to get that number to go down as quickly as possible but there are a number of people that are out of state. These individuals either do not want to travel or maybe they need more time to figure out their affairs. It was also explained that the majority of LBAs have a provisional license.

Dr. Milyko asked if these exams are held back to back for both the North and South. Laryna explained yes, but really there is not a lot of people in the North its really the South.

Laryna went on to discuss RBT renewals. The process for RBT renewals are drafted and recommended to discuss it next meeting. The renewal process for LBAs and LaBAs have also been revamped. There was an addition to this form which includes a list of employees under their supervision as well as updating the portion requiring person updates or changes. Dr. Milyko stated FARB recommendation to ask the same questions every year. Laryna discussed sending the renewal process forms over to the board members upon completion.

Dr. Milyko would also like to discuss discounted rates. She explained. if the electronic renewal is unlikely to be active and if this is going to place a big burden on staff, then incentives should be created as Laryna had proposed.

Laryna wanted to also address applications the Division has received during the biennium. She asked for clarification on what to do with the applications that applied between 2019 and 2020 and now these applications are going into a new biennium. Dr. Milyko stated it might depend on how long the application has been stale. Dr. Fronapfel asked why RBTs are pending. Laryna explained they either need their background check or they need their certification from the national board. Matt stated an RBT application should not be scratched just because the year turned over. But if applications have been sitting for say 7 months or longer with no activity, it would then be more appropriate to see what is going on. Christy recommended to continue to have the Division send out the letters to applicants that have not progressed in the process. It is also to Christy's understanding that the Division has not prorated the RBT fee. Christy encouraged the Division to consider prorating the fee for RBTs which is currently being done for the LBA and LaBA. She explained the board's budget should also be considered to ensure they can get things such as online renewal software and see if these rates would be appropriate. Dr. Milyko suggested at some point before the end of this current biennium to just give the RBT applicant the upcoming biennium expiration.

Julie Slabaugh clarified to the board that they prescribe the fees. The fees were included in the regulations that was just voted on. If they want to craft some sort of proration or cut off, she believes they will have to go back to the regulations and go back through the process. Jennifer Frischmann explained to Julie that they had adopted the proration similar to the Board of Psych that was not in regulation nor in NRS or NAC. It was decided by that board that they would allow proration. Julie said that decision would need to be made by this board as a policy and would need to be voted on how they want to do it. Jennifer stated that is what they are looking for. Julie's recommendation would be to make it a specific agenda item.

Dr. Fronapfel wanted to discuss a topic that was brought up regarding the applications that have been pending for months. Dr. Milyko stated with the issue of

COVID, there are variables to consider such as a longer wait for fingerprinting and how long it is taking for the applicant to complete their credential with the BACB. Dr. Fronapfel asked if the board would want to consider using the same process as the BACB when individuals begin their application and are given 60 days with a 90-day window. Dr. Milyko stated Laryna started a process which was created to notify the applicant after four months of being in pending status. Christy wanted to ensure the RBT supervisor is included on this notice and be given a deadline. Laryna stated she will continue to send out these letters just as before.

7. Presentation by Nevada Medicaid to Provide Policy Updates on the Practice of Applied Behavior Analysis and Using Tele-Health for Registered Behavior Technician Services

Jennifer Frischmann introduced the new Department of Health Care Finance and Policy (DHCFP) contact, Lorie Follett.

Lorie began discussing the telehealth web announcement on May 26th which approved telehealth. Laurie explained that they do not have much information on the implementation process as its barely been a month since this announcement went out and they do not have any claims data at this time. It will take three to six months before they can start to see how it was utilized and what the utilization data is. It has been found that this works well with one on one environments and not as well with group settings. At this time, Lorie has not seen any billing on this but will do some research to see if anyone is doing it. Lorie is not sure what telehealth might look like after the crisis is over. She has heard that providers enjoy having telehealth as an option and will take this under consideration but there are also federal guidelines that must be maintained. Lorie asked if there is something that is needed from her to please reach out and she will try to be as informative as possible.

Dr. Milyko asked Lorie if there was anything they could do as a field that can help inform the decision-making process when it gets to this point. Lorie stated that she will keep everyone in the loop. She has not yet heard providers say they do not want telehealth to stay. Lorie believes telehealth is here to stay as it has been proven that it can work and still provide quality services.

8. Discussion and Approval of the ABA Board Approving Continuing Education Credits (For Possible Action)

Jennifer Frischmann began to explain with the renewals coming up, there have been a lot of questions on what CEs are accepted. There was also a group that reach out asking if the board would be willing to endorse their suicide prevention training. Jennifer began discussing what that typical process would look like.

The board began discussing the suicide prevention CEU requirement for biennium renewals. Matt mentioned in past board meetings that it was discussed to list the suicide CEs on the ADSD website to show where to go for CEUs. Jennifer explained

that she believes it to be a slippery slope when one entity is endorsed over others. Abbie Chalupnik receives notification updates for CEUs. When an opportunity is available, ADSD is sending it out via listserv, but it is not listed on the website.

This agenda item was tabled.

9. Review of Financial Status

Jennifer Frischmann discussed the financial status which has not shown any significant changes. The projection remains at \$322,750. ADSD will have a good true-up after July 1st.

10. Discussion and Possible Approval of Board Members Job Descriptions **(For Possible Action)**

It was discussed that a follow-up was needed from Shane Isley. Jennifer will have an update for the next meeting.

This agenda item was tabled.

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

Dr. Fronapfel began the discussion with the board members regarding the bylaws. Rachel had compiled the notes from previous meetings for easy reference to this discussion.

After review and edits to the bylaws, Dr. Fronapfel stated she would check their revisions and polish these edits before the next meeting. Pieces of the bylaws will be revisited once the job descriptions are complete. Jennifer Frischmann reminded the board of the need for ADA formatting.

This agenda item was tabled.

12. Determine Future Date of Next Meeting and Hearing and Agenda Items **(For Possible Action)**

Dr. Milyko moved to keep the usual standing agenda items and include discussion and action items around prorotation of renewal rates and suicide CEU clarification. Matt seconded the motion. All in favor, motion passed.

Jennifer stated she will send out a doodle poll to determine the next meeting.

13. Public Comment

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Dr. Gwen Dwiggins gave a public comment. Dr. Dwiggins gave a suggestion for the suicide evidenced-based by asking if it would be more simplified to say if its not BACB approved, that it could be APA, AMA, etcetera, just to make it short, sweet, and simple to say these are the ones that qualify. Dr. Dwiggins made a second public comment regarding the proration for RBTs. She stated it should be a business model. If she needs her person to go through and she needs them for billing purposes, and they have all their training, she has more motivation to get that sent to the board, pay her check, and get that processed back to her. Gwen had a question regarding proration versus free. Gwen stated to the board to understand that proration can be done outside of the law but can free be done outside of the law? She stated to Kerri's point, super clear examples of what the exceptions are. Is it 10/1 there is no cost? If a person applied in August and now its November, and they're just slowly putting stuff in, are they grandfathered in or are they not grandfathered in? She knows this is not the positive or popular feedback, but if we ever talk about having us be a self-standing board, this is a loss factor. She has spent time and money processing you from August, September, October, November, December, and now you get to come in free. Dr. Dwiggins asked to be cautious about this. She stated with any other board, this is not free. Proration is one thing, but free? She stated that she does not know any other professional board that ever lets you apply free. You do not get grandfathered in. What are the boundaries for that so it doesn't become more of a headache which now costs us more money and you're getting it for free?

14. Adjournment

Dr. Fronapfel adjourned the meeting at 4:45 PM.

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. 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.

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/>