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## APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date of Posting: July 10, 2020  
Date and Time of Meeting: July 20, 2020 9:00 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.**

### Join Zoom Meeting

<https://zoom.us/j/99176100032?pwd=ajRFNTJSUmNCNmGvaTM3RVBtRnJvUT09>

Meeting ID: 991 7610 0032

Password: 568077

One tap mobile

+13462487799,,99176100032# US (Houston)

+16699006833,,99176100032# US (San Jose)

### AGENDA

#### 1. Roll Call and Verification of Posting

Laryna Lewis verified posting. 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)**

Dr. Milyko moved to approve the meeting minutes for the previous meeting held on June 23<sup>rd</sup>, 2020. Rachel seconded the motion. All in favor, motion passed.

4. Presentation by Shane Isley on the Status of Board Members Job Descriptions

Shane Isley gave an update on the status for job descriptions. He stated they went through the paperwork last week. He was able to send out the introductory email to the board members to explain the process and appointments are being scheduled to begin the job description process. Shane expects to complete this process in 4-6 weeks.

5. Discussion of Current Status of Applications and other ASD Activities Pertaining to Applied Behavior Analysis

Laryna Lewis gave an update on the application status. The pending numbers are as follows: 98 RBTs, 2 LaBAs, and 31 LBAs. Laryna also stated there is one LaBA and 9 LBAs that hold a provisional license. The total numbers completed are as follows: 1,266 RBTs, 33 LaBAs, and 269 LBAs. In June there were 23 RBTs, 2 LaBAs, and 7 LBAs completed. So far in July 19 RBTs have been processed. There are no LaBAs or LBAs completed for this month yet. Laryna stated she had sent an email out to 26 individuals to schedule exams and 8 individuals responded. These exams will begin the following day. Laryna also noted the unusual high volume of LBA applications ASD received in the month of June in which 15 applications in one month were received.

Laryna gave an update on stale RBT letters. 61 letters were sent out and 17 responses were received. These individuals have until July 30<sup>th</sup> to respond. Dr. Milyko asked what the responses were like. Laryna stated they asked what was needed to complete their application. Some responses were explanations as to what was happening to them personally but no real explanation as to why they have not completed their application.

Dr. Fronapfel asked for clarification regarding exam dates. Laryna confirmed there is one scheduled to take the exam tomorrow and exams will go through July 30<sup>th</sup>. Laryna explained the exams in Las Vegas are closed and only the northern location could be offered which could be why there was not a big response. Jennifer Frischmann stated the Las Vegas location will reopen and resume ASAP. Dr. Fronapfel asked if this was due to COVID. Jennifer confirmed it was. Dr. Milyko

asked if there was a timeframe as to when the Las Vegas location can reopen. Jennifer stated they just got word today. These exams will be scheduled soon and out of an overabundance of caution, only two individuals will be able to test at a time. These individuals will also need to hold up their ID to verify who they are rather than having someone physically hold the ID. These areas will also be sanitized before and after each exam. Since there will not be as many individuals testing at one time, these dates will need to be spread out. Jennifer explained this is for staff and the exam takers' safety. Dr. Fronapfel asked how long the location has been closed. Laryna confirmed the last individuals to sit for the exam in Las Vegas was on June 25<sup>th</sup>.

6. Discussion and Approval of the Renewal Process for Licenses and Registration Including Proration of Fees for Registered Behavior Technicians **(For Possible Action)**

Jennifer Frischmann began this agenda item by reminding the board members of the challenge in deciding what to do when, for example, an RBT applies at the beginning of this December, if they would want to prorate it. Jennifer continued to explain, ADSD prorates the license fees for LaBAs and LBAs. If new LaBAs or LBAs are newly licensed in December, the division would ask for the \$400.00 on top of the rest of the prorated license fee so the individual is good for the next 25 months.

Matt clarified with Jennifer that if LaBAs or LBAs were to become licensed just before the end of December, they would not need to complete the continuing education units. Jennifer stated if that is their brand-new licensure, then that is correct. It would then be for their next renewal.

Dr. Milyko referred to Gwen Dwiggin's previous public comment which reminded the board that this is a business and they don't want to lose money and should be fiscally responsible. It's hopeful that Certemy will be active but right now no one is certain which is why they are looking at all the forms. Dr. Milyko continued by stating at some point the work to prorate exceeds the \$3 dollars that they would gather from somebody if they were to just pay the month of November or December. Dr. Milyko also does not want to make the RBT pay the \$70.00 when it will only be good for the next two months and would like to balance this.

Jennifer Frischmann explained the proration for the LaBAs and LBAs are already calculated on an excel table so this way there is not much to calculate.

Laryna stated she believes the difficulty with prorating is it is not as big of a number as it is for LBAs and suggested a hard number for RBTs. Jennifer stated her concerns since the rates are in regulation. By giving the hard number, it would essentially be changing the rate. By prorating you are not changing the fee. Jennifer also explained, though this is a board decision, everyone, such as providers, are under a stressed economic landscape.

Matt explained that if ADSD is utilizing the excel spreadsheet, it may be the fairest and most simple answer if it is not taking too much leg work. It may also prevent complaints that could arise.

Dr. Milyko asked if there was a way they could save time by preventing math errors when an RBT goes to submit their prorated fee. Jennifer stated this could be posted.

Christy explained that it is likely they would want the [prorated] amount due for that month when they go submit their initial application. There are still costs when processing. Christy asked the other board members if the prorated fee should be submitted with the application or when it is complete. Dr. Milyko stated it makes more sense to submit the fee with the application.

Jennifer asked if they would want a cut off period as well. Jennifer gave an example: If an RBT applied October 5, 2020, and can prorate the remainder of 2020, and then the additional \$70 for the next two years or should there be a cutoff date for new applications coming in?

Christy believes they should continue doing what they do for LBAs and LaBAs to be consistent.

Jennifer explained if they began prorating now, they will basically pay three dollars per month from here on out. Jennifer suggested to not have RBTs 100% prorated and the board may want to consider beginning in October. When an RBT applies, they can pay the prorated fee for the rest of the year and then also offer them the ability to pay the \$70 for renewal. Jennifer also explained it would become way too confusing if this was prorated every month.

Dr. Milyko stated she would like to look into the proration of RBTs when utilizing the Certemy software.

Jennifer explained the board will need to make a decision if they want RBTs 100% prorated or not. If they want to completely prorate this fee, it will become very confusing to the applicant to identify the fee schedule. Jennifer asked what the cut off would be when rolling into the next biennium.

Rachel agreed with Jennifer to begin the proration in October and give the option to include the renewal fee when the initial application is submitted. Dr. Milyko believes it is at least a better option than making the applicant pay the full amount.

Dr. Fronapfel asked Jennifer if it would help the influx of applications for December. Jennifer stated for initial applications it would be helpful, but the renewals will also have to be going on during that time as well.

Dr. Milyko asked Jennifer and Laryna if October 1<sup>st</sup> would be the most manageable date and if this were to start now, she asked if it wouldn't be as manageable.

Jennifer explained they can start putting information on the website, blasting out information via email, and make it clear that they pay the remaining few months and also give the option to pay for the renewal so they can be done until 2022. Jennifer clarified this is for the new applicants coming into the renewal time. For RBTs who have already received their registrations that need to renew, this process can begin at any time. Laryna stated she would like to begin the renewal process for the RBTs that already have their credentials as soon as possible.

Rachel preferred the idea to have the RBT initial application begin proration on October 1<sup>st</sup> which would make it the last quarter of the year at the end of the biennium which would also allow the RBT to complete renewal for the next biennium at the same time.

Christy cautions accepting renewals earlier than three months in advance since a lot of change could happen. Christy would like to recommend receiving some feedback from the public and not give a set prorate date yet so this can be voted on next meeting to see if the public has any additional considerations or concerns.

The Board members agreed to solicit public comment before determining the proration date for initial applications.

Dr. Milyko began the discussion for renewal forms that were presented to them. She discussed the phrasing of questions that FARB states to be careful with. Dr. Milyko suggested to add clarification on background records. Jennifer explained some individuals will have their record expunged at the local level which will still be reported and show on the FBI record. Dr. Milyko would like to give some additional information regarding this misconception and possibly add it to the FAQs.

The board continued to review and discuss the forms and make their suggestions. Laryna explained this is more so copied over from the Board of Psychological Examiners. This purpose was to get the board's take on it since they have never taken a look at renewal forms before.

Christy asked Laryna if she would mind delegating this to her so she can format the table since someone outside of this practice would not realize format issues. Laryna agreed to delegate this to Christy.

Jennifer suggested to send all the forms over to Christy, get them posted, and also receive some public comment as well to discuss for the next meeting. Dr. Fronapfel agreed.

Jennifer stated she will keep this as a standing agenda item.

## 7. Review of Financial Status

Jennifer began discussing the board's financial status. Jennifer explained special session had recently concluded the night prior and fiscal staff have been working around the clock during this session. Unfortunately, due to this circumstance, fiscal was unable to provide this update.

Dr. Milyko began to inquire if it were discussed in the special session to have the board's funds swept. Jennifer stated no news is good news. This was not discussed in session but was brought up in public comment. Jennifer explained she has heard nothing about sweeping board funds. There was talk of a second special session, but that has been postponed.

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

Dr. Fronapfel began discussing CEUs and believes the general consensus was to differ to the BACB for their approval. Dr. Milyko believed this was a discussion more around suicide prevention credits.

Jennifer explained individuals have notified ADSD of upcoming training and have asked if the board would recognize this training. Typically, boards will take a look at the training to decide if they approve and state how many CEUs will be given if individuals take this training.

Matt's recollection of the previous meeting was the board discussed this being a potential rabbit hole. If the board approves suicide CEUs, there may be behavior analysts not recognized by the BACB or affiliate body who may want additional analytic CEU approvals. Matt wanted to confirm if Abbie blasts out these trainings. Jennifer stated if they learn of these trainings, they do send them out. Matt would prefer to send out these trainings that do become available via email blasts rather than approving the trainings presented to them. Matt stated NABA does well with making sure these are available during their conference. Dr. Fronapfel agreed with Matt and stated NABA has already identified the suicide prevention credits. If there are trainings trying to become approved, she would like to differ them to the BACB to become approved.

Christy stated people can receive training outside of behavior analysis, but they don't have to be continuing education units provided by the BACB, these can also be in addition. If they are evidence-based suicide prevention, it may count. Christy has concerns with endorsing a training since they would need to review, meet, and then endorse. It is possible they may not be able to meet in time to review the training and vote. Christy also worries they could be micromanaging and interpreting too many things for practitioners.

Dr. Milyko agreed with Christy but would also like to help by setting guidelines to choose a good suicide prevention CE if it is not approved by the BACB. The training may say evidenced-based, but once someone is going through the training, they may find it was not a good training.

Rachel stated that when going through 32 hours of training, individuals will be improving themselves in some way. There may be some training that was not fantastic and helpful as other trainings, but still counts towards professional development. In the practice, they are determining what is good or bad. Rachel agrees it would be too much work to decide whether trainings are good or not so good.

Dr. Milyko and Rachel agreed to possibly write down these guidelines in the FAQs.

Jennifer read the email which had sparked this conversation from the Office of Suicide Prevention. It stated they are looking to offer CEUs to BCBAs, BCaBAs and RBTs and would like to know what the process is to become a provider and be provided the approved CEU number that can be placed on the certificates they provide.

Laryna explained these are the people that ASD sends out to others to learn about courses available and they [The Office of Suicide Prevention] do not know how to process it. They will need to learn how to go about this so these individuals can receive their credits.

Christy suggested to use the BACB suicide prevention criteria to avoid assumptions. Dr. Milyko and Dr. Fronapfel agreed.

This agenda item was tabled.

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

This agenda item was tabled.

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

Dr. Fronapfel stated that she had gone through the document and made some grammatical corrections and asked the members to go through it to see if they think there should be any additional modifications.

This agenda item was tabled.

## 11. Determine Future Agenda Items (For Possible Action)

Jennifer recommended to have Shane on the agenda to have a discussion. Dr. Fronapfel would like to also add having a Certemy update. Dr. Milyko moved to approve the standing agenda items and included Shane Isley for job descriptions, and the update on Certemy. Matt seconded the motion. All in favor, motion passed.

## 12. 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.)

Gwen Dwiggins gave a public comment. She stated she knows the comment was made where they are sitting on over \$300,000 dollars. She wants them to be very mindful again, to Jennifer Frischmann's point, it is about the future of the board. Hopefully as they become older, they start having more teeth behind the rules and regulations which could potentially mean lawsuits. One lawsuit is going to take a whole lot of that money. Gwen also stated that another comment was a lot of businesses struggle with some of the fees. She stated that she will repeat again. They have had over a year to prepare for that. She does not think the fees are arduous, and if they truly want to be a professional board, they need to be planning how to follow through when complaints are put in, when people are continuing to violate the rules, that will have a huge cost, potentially. She does not believe they have a whole lot of money and they need to make sure there is enough for those situations.

## 13. Adjournment

Dr. Fronapfel adjourned the meeting at 10:30 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.

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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 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/>