



APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date and Time of Meeting: March 26, 2020 1:00 PM
Name of Organization: The Board of Applied Behavior Analysis
Place of Meeting: Aging and Disability Services Division
3416 Goni Rd
Suite D-132
Carson City, NV 89706
Teleconference:
Conference Line: 877-848-7030
Access Code: 8561006

Please place your phone on mute unless providing public comment.

Due to the COVID-19 outbreak, Board members will be attending telephonically. Members of the public are *strongly* encouraged to participate via teleconference

AGENDA

1. Roll Call and Verification of Posting

Laryna Lewis began roll call. Dr. Brighid Fronapfel, Christy Fuller, and Dr. Kerri Milyko were present. Meeting proceeded with a quorum. Matthew Sosa and Rachel Gwin were identified as present after the first public comment agenda item.

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.)

Kelly Demos, a BCaBA from Applied Behavioral Analysis Institute, gave a public comment. They have a prospective RBT that has completed the 40-hour course and needed to take the competency assessments, but they can't get in-person supervision and wanted to know if an extension will be offered.

Debora Meinberg with the Ackerman Center gave a public comment. Ms. Meinberg emailed a question last week as to if accommodations will be made for the in-person CEU requirement since everything has pretty much been cancelled for at least the first half of the year.

Dr. Fronapfel responded by stating the in-person requirement is no longer required by the BACB and per the state law, the CEU requirements are in-line with the BACB.

Jared Shoemaker from Sage Health Services gave a public comment. Mr. Shoemaker wanted to know if there is going to be any reconsideration of whether the RBT guided services are allowed via telehealth during the current outbreak.

John Paul Saunders from the Lovaas Center gave a public comment. Mr. Saunders wanted to know if an RBT leaves their agency, how do they remove them from the state registry.

Jennifer Frischmann responded by stating to send an email to the ABA Board and they will be removed from the registry as far as supervision is concerned.

Michelle Canning with Crossroads Behavior gave a public comment. Ms. Canning wanted to know if the Board can assist the ABA Community in what they need to do to bring new staff on during this time. With Pearson being closed down and unable to have any new RBTs certified, Ms. Canning wondered if there would be a short-term emergency work-around that they can have for the current law.

Dr. Tedoff with Applied Behavior Analysis Institute gave a public comment. He noticed that he received notice of this meeting through ATAP and was wondering if the Board would communicate to the licensed Behavior Analysts directly in the future, particularly when meetings will occur. It should be from the Board.

Jennifer Frischmann responded to Dr. Tedoff. Jennifer stated this meeting was sent to all emails that they currently have on file and was sent to about 250 people. When there is a notice for meetings or anything else that needs to go out, it is sent to this email list. Jennifer stated there is also a Listserv and encouraged everyone to sign up as ADSD will be sending out notices through this service as well.

Deborah Meinberg from the Ackerman Center gave another public comment. Ms. Meinberg stated they did not receive an email for this meeting either other than through ATAP.

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

Dr. Fronapfel asked for a motion to approve the previous meeting minutes for the meeting that occurred on February 24, 2020. Rachel made a motion to approve the meeting minutes. Matt seconded the motion. All in favor, motion passed.

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

Dr. Fronapfel read the statement that was developed in response to COVID-19. Jennifer asked the board members if they had any discussion or comment regarding the statement.

Dr. Milyko stated she was thankful for this statement and is in full support of this memo.

Christy thanked Dr. Fronapfel for putting this together and reminded everyone that testing centers are not open right now which will hold up the credentialing process.

Jennifer Frischmann explained that she and Laryna Lewis have received several emails regarding waiving requirements. Jennifer consulted with their Attorney General and it is in the Nevada Revised Statute that they cannot allow the waiving of requirements. It is not something that they are allowed to do with emergency regulations. Jennifer also stated there have been questions regarding individuals who do not have a Nevada license and wanting to perform services. It is in the Nevada Revised Statute that this is not allowed by law.

Dr. Milyko verified with Jennifer that provisional licenses can still be offered as long as all documentation is received with the exception of taking and passing the jurisprudence exam. Jennifer has also heard that several different fingerprinting agencies have closed their doors which may delay the process. This is out of the control of both the Applied Behavior Analysis Board, Aging and Disability Services Division and the Department of Public Safety as this was a government mandate for those businesses to shut down.

Matt appreciated the statement and believes that it expressed the situation they are in as their hands are tied. Rachel agreed.

Dr. Milyko made a point regarding telehealth services. Telehealth is not in this statement because it is not explicitly addressed in the regulations. For any guidance, individuals should look to the national organizations.

Dr. Milyko moved to approve the statement. 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.)

Jared Shoemaker from Sage Health Services gave a public comment. Mr. Shoemaker wanted clarification on telehealth services and why it was not

mentioned in the letter and wondered if it was because of a funding source and if it's the funding source they need to be working with. They have had discussions with funding sources about trying to get them to allow for RBT guided telehealth sessions in this short period of time during the outbreak. More often times they are being told they're waiting from the Board to get guidance on that. He would like to know who they need to talk to about this and who does have the say in this sort of thing.

Dr. Fronapfel responded to Mr. Shoemaker. The President stated telehealth is not covered in the NRS so the board will not give guidance on it other than encouraging to talk to the funders and consult the information that has been sent out by the BACB and APBA in relation to telehealth practice.

Kelly Demos from Applied Behavior Analysis Institute gave a public comment. Ms. Demos wanted to clarify for the prospective RBTs who have taken the 40-hour course, and due to law, will not be able to effectively take the competency exams and apply to get their licensing on time. If they are going to expire out within this timeframe, will they be given waivers to retake the course? Ms. Demos wanted to know what they can tell their RBTs regarding next steps when this starts to lift.

Christy responded to Ms. Demos. Christy stated that it is not in Nevada law, and they do not control any of the BACB guidelines or restrictions on timelines. As far as obtaining an RBT, the only thing in the law is they must be registered with the state and complete the registration process. This would be a question for the BACB who have sent out guidelines on these issues. Christy stated to contact the certification board.

Cameron from the Ackerman Center gave a public comment. Cameron wanted to know if RBTs that are waiting to become registered with the state can send in their application even though they can't take their exam yet.

Dr. Fronapfel stated yes to Cameron's public comment.

6. Adjournment

Dr. Fronapfel adjourned the meeting at 1:30 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.

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/>