



APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date of Posting: September 10, 2020
Date and Time of Meeting: September 16, 2020 2:00 PM
Name of Organization: The Board of Applied Behavior Analysis
Place of Meeting: Aging and Disability Services Division
Teleconference:

Please place your phone or your computer microphone 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.

Zoom Meeting

<https://zoom.us/j/98469204336?pwd=YU5LQVM4TDJCUzMrTUhwaGtPVDhkQT09>

Meeting ID: 984 6920 4336

Passcode: 140642

One tap mobile

+12532158782,,98469204336# US (Tacoma)

+13462487799,,98469204336# US (Houston)

In certain situations, the option exists to declare the meeting on that agenda item to be a Closed (Executive) Session per NRS 241.030.

All times are approximate. The Board reserves the right to take items in a different order, items may be combined for consideration by the Public Body and items may be pulled or removed at any time to accomplish business in the most efficient manner.

AGENDA

1. Roll Call and Verification of Posting

Laryna Lewis verified posting. The following board members were present: Dr. Brighid Fronapfel, Christy Fuller, Dr. Kerri Milyko, Matthew Sosa, and Rachel Gwin. The five board members were 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.)

No public comment.

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

Christy recommended to change a typo in the first public comment of agenda item 12.

Christy motioned to approve the meeting minutes from August 25, 2020 with the correction discussed. Matt seconded the motion. All in favor, motion passed.

4. Closed Session Pursuant to NRS 241.030 to Consider Possible Approval of a Division Investigation as Outlined in NRS 437.440 **(For Possible Action)**

Dr. Fronapfel stated the board members will move to closed session for this agenda item. Jennifer Frischmann explained this will be a closed session agenda item. Board members will be permitted although two board members are recusing themselves from this agenda item: Matthew Sosa and Rachel Gwin.

Meeting proceeded with quorum to discuss agenda item in closed session with the three board members: Dr. Fronapfel, Christy Fuller, and Dr. Kerri Milyko.

5. Possible Approval of a Division Investigation as Outlined in NRS 437.440 **(For Possible Action)**

The president reopened the meeting for the three board members to cast their vote to decide whether they believe the Division should investigate case number 2020-04.

Dr. Milyko moved to open the investigation. Christy seconded the motion. All in favor, motion passed. Matthew Sosa and Rachel Gwin did not vote as they had recused themselves.

6. Presentation by Shane Isley on the Status of Board Members Job Descriptions and Possible Revisions to Developed Job Descriptions **(For Possible Action)**

Shane Isley began to discuss his previous communication to the board and ADSD staff regarding topics for the board members to think about and believes there may

have been some confusion and wanted to clarify what it is that he needs before they meet one more time to finalize these. Shane suggested to set this last meeting to work with a small group or subcommittee which may be the most efficient way so the group can take the information with them to the next board meeting to review, discuss, and approve.

Jennifer explained it is fine for two board members to meet with Shane. It would not be considered quorum or a subgroup. Jennifer also stated that she heard from many board members and explained there probably was some confusion on what Mr. Isley was asking regarding how much time and effort it was going to take the board members. Jennifer had explained to Shane via email that some board members were not able to go that far. Jennifer suggested for the board to then ask Shane questions as to what is being requested.

Shane clarified he had laid out the sections that still needed to be filled in and provided examples. Shane realizes the members do not do this every day as he does, so he wanted to provide as much reference material as possible to assist them. He explained that he was not expecting the members to complete their job descriptions, but to think about those things to have an understanding when coming into the individual meetings and suggest the possibility to double up on meetings to make the process more efficient.

The board members and Shane discussed their next meeting with Shane who will be participating in small groups. Dr. Fronapfel clarified when he wants the summary statements. Shane explained it will probably be easier to discuss it in the small groups and he will connect with Jennifer and Laryna to receive theirs. Once the summaries are completed, it will be presented to the entire group.

7. Presentation by Nevada Medicaid to Provide Updates on the Utilization of Telehealth for the Practice of Applied Behavior Analysis (ABA) and an Update on ABA in Schools

Lori Follett presented the Nevada Medicaid update. For the full statement, please see attachment A.

Dr. Milyko asked for some clarification regarding what billing codes schools are using and explained the statement is missing details relating to protocol. Lori explained that if she has a question regarding what is missing from the statement presented earlier, they can pose this question to Gladys, who is the individual that formed this statement. Dr. Milyko stated that she wants to ensure the schools are providing treatment which follows the best practice guidelines when delivering these services. Lori received clarification from Gladys who explained all should reference their billing guide for PT 60. Code 97153 and 97155 are billable codes and of course would need to follow their scope of work. They need to bill the appropriate code for the appropriate provider. The link to the PT 60 is provided in the statement to review the School Health Services Billing Guide. Lori stated if they

have any further questions, they can send those to Gladys, or they can reach out to Lori.

Lori began her update regarding telehealth. She stated she had a slight problem when they were running the data. They ran it monthly since March, but they did have some anomalies come through. Lori's data team is still working with it and is unable to release the spreadsheet to avoid publishing the data which may not be accurate. Lori provided some ballpark numbers to give an idea of how many claims they are seeing. Lori proceeded with providing the monthly numbers: 57 claims received in March, 104 claims received in April, 109 claims received in May, 90 claims received in June, 84 claims received in July, and 10 claims were received in August. Lori reminded everyone that there are claims lag so not all claims have come in for August. In addition, the community did start opening a little bit more in July and August. Lori expects this number to taper down since this is not the preferred method of delivery. They still have the telehealth expansion with the pandemic however, there is no guarantee that these exceptions will continue after.

Dr. Milyko asked Lori if it was possible to receive service hours rather than claims. Dr. Milyko explained one claim may not be equivalent to another claim. When given the service hours, it provides a better representation. Lori clarified that Dr. Milyko would like to know the same data for the same timeframe but with service hours and not by claim. Dr. Milyko stated yes if it is possible. Lori stated it is possible and she will see what she can do regarding receiving the additional telehealth information.

8. Discussion of Current Status of Applications and other ADSD Activities Pertaining to Applied Behavior Analysis Including Update on Certemy Software Implementation

Jennifer Frischmann opened this agenda item by stating her and Laryna have their first onboarding meeting for the Certemy Software. This will be their second meeting as the initial meeting was a meet and greet. Jennifer continued to explain that Laryna sent them examples of applications and what the licenses look like. In addition, Certemy put together a Nevada Regulator Roundtable listening sessions. Jennifer and the Executive Director of the MFT Board facilitated a meeting that morning. It was a unique opportunity to speak with other licensing boards and to see how they are managing things. Jennifer explained that she would have brought this up at the last board meeting however, this did not come up until after the meeting. Jennifer also gave an update of something that occurred after the last board meeting. She had received an email from the Board of Occupational Therapy, and they would like to try and connect all occupational and licensing boards within the state to get on the same page. There was some legislation that had gone through which the ABA Board was not specifically called out on because maybe not a lot of people knew this board existed. There are some things that pertain to veterans, citizenship, and background checks and making sure that they are all implementing those regulations similarly. Jennifer stated that she is excited to meet with them and

she will share any updates for the board. Jennifer proceeded to turn it over to Laryna for updates.

Laryna added to the Certemy update that they want a logo and so now they would like to discuss this with the board. Jennifer explained they cannot vote on the logo since this agenda was created and posted after the meeting with Certemy.

Christy asked if the board members could create a logo. Dr. Milyko asked if they do decide to have a logo designed, would they need to go through RFP? Jennifer explained they had recently done a logo for the Long-Term Care Ombudsman and Adult Protective Services and it costs about \$5000. Jennifer stated if it is a friends and family thing and they are not a state vendor then yes. Jennifer recommended to have the board members possibly create their own logos. Matt nominated Rachel to use her creativity. Jennifer stated she will put this on the next agenda and recommended to have the board members think about this.

Laryna continued to proceed with the update on the status of applications. The total numbers completed are as follows: 1,340 RBTs, 36 LaBAs, and 287 LBAs. The pending numbers are as follows: 112 RBTs, 1 LaBAs, and 36 LBAs. In August there were 32 RBTs, 1 LBA, and 9 LBAs. So far in September 31 RBTs, 2 LaBAs, and 4 LBAs have been processed. Laryna stated they are continuing to set a ton of exam schedules. Laryna has continued to send out those emails to get those exams in place. Abbie and another staff member down in the south have been working hard getting those exams through in Las Vegas. She also stated that they surprisingly have not received a great response. More commonly, they have been receiving licenses by endorsement because they are licensed in another state.

Dr. Milyko stated she has been contacted by a few people and by the BACB regarding what the barrier is to allow fingerprinting from another state. Jennifer stated that this is written in statute and it has to go through the Nevada Repository and if they are in another state, it does not go through the Nevada Repository. It has to be done in Nevada. Jennifer continued to explain the typical length in time is dependent on if all the documentation is received as well as the check or money order and ensuring that everything is signed. Once the application is received, they are then given the fingerprinting instructions. It is at this point where it is up to the individual on when they complete this step. There has also been quite a delay in receiving the background results. It used to be 3 weeks and now it is looking more like 4-6 weeks to get the results. As soon as the backgrounds are received, the license or registration is processed.

Dr. Milyko asked Laryna to add the fingerprinting information for out of state individuals into the FAQ's stating this is in statute and in agreement with DPS. Laryna confirmed that this will be placed in the FAQs.

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

Christy noticed in the Continuing Education Attendance Record instructions that there are pronouns that should maybe be omitted for inclusiveness. No other pronouns were found in the other renewal forms.

The board members continued to go through the renewal forms and pointed out some errors and recommendations. Christy suggested that maybe the board should look into the questions that are asked on the forms. Jennifer explained these are their forms and they can change it if they want to. This was taken from the Board of Psychological Examiners as a template. Dr. Milyko stated the questions sound comprehensive. Dr. Milyko then suggested adding a question if they have self-reported anything to the BACB and provide clarification on what the self-report was. Jennifer explained that she can see how a lot of people can be confused by this. The board members continued to deliberate.

It was suggested by Christy to include in question 2 of the LBA/LaBA renewal form to clarify the licensing and certification body as well as including the BACB.

Christy moved to accept the forms discussed and with the edits that include font changes, pronoun inclusiveness, completing the last sentence on the RBT forms, and the additions of certification body including the BACB for question 2 on the LBA/LaBA forms. Rachel seconded the motion. All in favor, motion passed.

10. Review of Financial Status with Discussion and Possible Approval of Spending Board Funds (For Possible Action)

Jennifer began to explain the financial status update. She stated the budget is projected to be \$394,000 and they have not spent a whole lot of money. They have a meeting set with Christy and Kirk Hawkins to go over the fiscal statement and get an understanding of how the state system works such as work programs. Jennifer suggested maybe after the fiscal meeting, Christy can present the fiscal statement as not to take away from any of the Secretary Treasurer duties.

Dr. Milyko asked to see if they can break down how much money is coming from each credential. Jennifer stated that it is not something that the fiscal team tracks. Jennifer recommended to look at the numbers registered or licensed to get an understanding of how much money they are bringing in from each credential.

Dr. Milyko suggested coming up with a formula to gain an understanding of the dollar amount they are receiving each month and breaking down the fees for more of a fine grain analysis.

Christy asked the board members if they had questions that Christy could bring to Kirk for the meeting. Dr. Fronapfel asked Jennifer if they had the out of state travel category. Jennifer confirmed they did. Dr. Milyko wondered if no one is traveling and FARB comes around, is there a section for whatever that would be? Jennifer

explained they can pay for conference registration out of the operating category however, Jennifer will verify this with Kirk.

Dr. Fronapfel mentioned the attorney's version of a FARB conference that Julie Slabaugh could attend if she wanted to go. Julie stated she will not be able to attend this upcoming conference.

11. Determine Future Agenda Items (For Possible Action)

Dr. Fronapfel suggested adding logos to future agenda items. Christy suggested to solicit proposals from people and hopefully avoid waiting a few months out. Jennifer explained, they can use the state seal as a placeholder which can be discussed next month and reminded the board this will not hold up Certemy. Julie recommended to add the discussion of approving investigations when complaints come in.

Christy motioned to include all standing agenda items with the addition of a discussion of how the board wants to proceed in handling future complaints and approval of investigations, the possible creation of a logo and possible solicitation of vendors or proposals for a logo, and possible action item for job descriptions. Rachel 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.)

No public comment.

13. Adjournment

Dr. Fronapfel adjourned the meeting at 4:07 pm.

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 Teams 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/>

<https://notice.nv.gov/>