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## APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date of Posting: October 15, 2020  
Date and Time of Meeting: October 22, 2020 11:00 AM  
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/97984041958?pwd=bXJyTWWhWL0lmbWZtNlE1TEhCRDZjQT09>

Meeting ID: 979 8404 1958

Passcode: 127377

One tap mobile

+16699006833,,97984041958# US (San Jose)

+12532158782,,97984041958# US (Tacoma)

**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. Brigid 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.)

Naomi Davidowitz gave a public comment. Naomi began by stating she works with Proud Moments and was happy to attend this meeting to share her concerns regarding the recent amount of time that has been taking for their RBTs to get certified with the State. For the last 10 years that she has been in Las Vegas she has advocated for families and helped families get access to services. The 10 years before she did the same thing in New York. It has always been her goal to give families access to services. Several months ago, she became a parent to a baby with Down Syndrome so she is on the parent side of it as well. She stated they know how badly these kids need services and it is hard to watch. Clients will call for services, especially during the pandemic where they need it more than ever with the distance learning. They need the behavioral support. They are working very hard to bring on RBTs as quickly as they can and the hold up can take close to 5 weeks for them to get the ADSD [registration]. She was so excited that Governor Sisolak shared the same sense of emergency by waiving certain things and make sure these professionals can go and start working. The way the ABA Board interpreted it seems to be more narrow in just waiving the BCBAs. Ms. Davidowitz continued by stating for them, it is really the RBTs, Registered Behavior Technicians, giving the one on one service who are working directly with these kids. When they get a new client, they almost always need to hire another RBT which means they have to wait 5 weeks for them to get back their registration which becomes a roadblock for their services. She would really love to see if the board can accommodate the RBTs. She stated they are happy to pay their fees and they are happy to go through the application process. There are no objections to this. They understand that this is a requirement, and they are fully on board, but they would really like to see if they can started without the registration with the certification of being a Registered Behavior Technician.

Dr. Milyko gave a public comment. Please see attachment A for full public comment.

Laryna began to read a public comment from Melissa Almanza which was received via the ABA Board email. Please see attachment B for full public comment.

Laryna Lewis began to read another public comment that was received via the ABA Board email from Naomi Davidowitz. Please see attachment C for full public comment.

Matthew Sosa gave a public comment. Matt stated that he would like to say that he has never been secretive about any relationships. He also stated that he is not Rachel's BCBA and they have fully disclosed. As far as he knows, full disclosure was made when she came on board. Matt continued by saying that he does not appreciate being made out to be secretive or hiding because that was never the case.

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

Christy stated on the first public comment of agenda item 2, to change Ms. Dwiggins to Dr. Dwiggins. In agenda item 4, Christy remembered Dr. Milyko asking a question if RBTs were included in the exemption. Christy stated that she does not have the answer written in notes and she did not see it in the minutes. She would like Laryna to go back to the recording to put this answer in. Laryna confirmed that she will go back to the recording and add anything that might have been missed. Christy moved on to discuss a correction in agenda item 5 for the public comment given by a Linda Kyriannis. Christy remembers that she did not spell her last name for the record but would like to have the spelling of her last name updated so that it is properly reflected in the record.

Dr. Fronapfel requested a motion to approve the previous meeting minutes from September 25, 2020. Dr. Milyko moved to approve the minutes with the correct spelling of the name, have Laryna double check the discussion on RBTs, as well as adding Dr. Dwiggins instead of Ms. Dwiggins. Rachel seconded the motion. All in favor, motion passed.

4. Closed Session Pursuant to NRS 241.030 to Consider Further Investigation of a Division Investigation as Outlined in NRS 437.440, Investigation Number 2020-04 **(For Possible Action)**

Dr. Fronapfel stated the board members will move to closed session for this agenda item. Board members will be permitted although two board members are recusing themselves from this agenda item: Matthew Sosa and Rachel Gwin. All others were placed in the virtual waiting room until the closed session reopens.

5. Possible Approval of Further Division Investigation as Outlined in NRS 437.440, Investigation Number 2020-04 **(For Possible Action)**

Dr. Fronapfel reopened the meeting and stated an investigation for case number 2020-04 will not be pursued at this point since it has been closed and addressed.

Christy made a motion to consider the investigation for case number 2020-04 to be closed and stated it was addressed. Dr. Milyko seconded the motion. All in favor, motion passed.

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

## Possible Revisions or Approval to Developed Job Descriptions (For Possible Action)

Dr. Fronapfel suggested to have the board members go through the job descriptions that was sent earlier that morning before the meeting to see if they have any suggestions, comments, corrections or modifications and bring it back with them to vote for the November meeting. Dr. Milyko also suggested that if there are any changes they would like to see in the job descriptions to let Shane know because if not then they may not need him to come to the meeting.

Laryna notified the board that Mariana needs a new completion date since it had expired on September 30<sup>th</sup>. Jennifer stated they can give Mariana a December 1<sup>st</sup> completion date to incorporate the November meeting.

This agenda item was tabled.

## 7. Discussion and Possible Approval of a Process to Address Complaints Brought Forward to the Board (For Possible Action)

Dr. Fronapfel began this agenda item by providing some background. She stated this agenda item was recommended by Julie from their last meeting. Julie stated they would need to outline a process of how they are going to respond when complaints come in. Dr. Fronapfel went over the process of what the Board of Psychological Examiners and the BACB does when complaints are received and asked the board members what their thoughts were.

Jennifer Frischmann explained the current process when complaints are received. These complaints are received through the ABA board email or sometimes they are given physical paper copies of complaints that are received by mail. Once received, they will let the President know, Dr. Fronapfel, so that she is aware of the complaint. At that time, it is decided if they need to bring this before the board or if they should gather more information. It will then be brought before the board, just as in previous complaints, to determine if there should be an investigation. Jennifer wanted to ensure that everyone is on the same page with how they are processing this.

Dr. Fronapfel asked Julie if she could explain what the traditional process is in her experience. Julie explained that she is not sure since this is the first board that she has been involved with. Her understanding from previous DAGs is that they were involved with the process, but she is not certain if they were the ones that conducted the investigation. She believes it was done by the Executive Director of the Board in gathering information. The determination on whether or not to file a formal action was brought back to the licensing board to determine if they would actually file it in which case it would go to a disciplinary hearing which would then become public.

Matt recommended to have a board member, such as the President, because having the provider aspect is important and ASD employees may not be as

familiar with the ethical compliance codes as an example. He would like to have at least one member to ensure there is recognition and compliance with those codes. He also believes it is a good process in order to weed out any potentially frivolous complaints.

Dr. Milyko wonders if it should go to two people. She stated sometimes it helps to talk through it with another provider to sharpen things up. Since Nevada is so small, it may help with reduction to bias because it is hard to not know almost every provider. Dr. Milyko also explained that the role of the chair is a lot and given all the emergency meetings they have had this year, Brigid is most likely spending more time than she did in which 10 hours a week is spent in her past role. She believes it would be better to share the responsibility with someone else since it is a big decision and to possibly have a complaint committee.

Matt agreed with Dr. Milyko that it would be nice to bounce things off each other and go back and forth. Matt asked if they would want to include the Community Representative in this. Julie reminded the board members that if there are two board members then it is a subcommittee, and the Open Meeting Law applies.

Christy asked Julie if it would be possible to first have the President review the complaint. Once the President has completed these questions such as gathering all the documents and working with the Executive Director. The President then bows out and it moves on to someone else so it is two separate and there is no discussion with the first member of the board and then the second member of the board. Julie stated that would be dicey and speaks of trying to get around the Open Meeting Law and is frowned upon. Christy stated that she believes, then, that there should be at least one person, but in the case that the one person is not able to do it, they should look into an hierarchy if that is possible. Christy stated this happened for someone who is trying to apply through the Emergency Directive and there were a few questions that she had and she would have liked to have someone else's eyes on it and even in the case if she wasn't able to review, they may want a backup. Christy stated that she liked Matt's idea having the Community Member and thought of that during Dr. Milyko's statement. Her concern would also be that they are not typically as familiar with their code of conduct and may not see glaring issues as clearly. Christy stated that the BACB does have a process and suggested to sticking to a similar process so they are not reinventing the wheel. Rachel agreed with Christy regarding the Community Member's role.

Dr. Fronapfel stated there will not be a committee of two. She asked if the board members were OK with assigning a similar hierarchy such as the agenda or speak on behalf of the board starting with the President and going down. Dr. Milyko agreed with Dr. Fronapfel. Dr. Fronapfel also included the possibility of a conflict of interest or even just being respectful of time. Dr. Milyko also explained that sometimes as the President, you want to do everything but there is not always enough time. Dr. Fronapfel stated that she knows Jennifer will notify when there are potential allegations, and she knows that Jennifer spends a lot of time collecting

documentation. Dr. Fronapfel also knows that the BACB puts it on the certificant and suggests to state in the letter that these allegations have been filed and they have 30 days to provide them data that is related to this complaint which will remove some administrative tasks from everyone. Christy, Rachel, and Dr. Milyko agreed with Dr. Fronapfel. Dr. Fronapfel also stated that once the evidence comes in, then they can go through and see what they need.

Jennifer asked if Dr. Fronapfel could provide this verbiage for ASD. Dr. Fronapfel agreed. Christy suggested since Dr. Fronapfel has been involved in this process if she could also align it with the BACB process. In addition, Christy stated they should include in this process to notify the BACB in the event of a complaint and decide whom should notify the BACB that they have an investigation or complaint. Dr. Fronapfel stated yes, and asked Jennifer if there was an update to the complaint form for the individual making the complaint stating to make sure they have reported it to the BACB. The BACB's website would also need to be checked by selecting the state and Dr. Fronapfel also wanted everyone to keep in mind that they are also ethically obligated to do this as well. Whether a complaint goes through the BACB or the ABA Board, the certificant or licensee received this information, and it is on them to notify the ABA Board and the BACB within 30 days.

Jennifer wanted to confirm the hierarchy. Dr. Milyko suggested to have the President elect the board member after it goes to the Secretary.

Dr. Fronapfel requested a motion. Christy motioned to accept the process to address complaints discussed where the President will handle them. In the event that there is a conflict of interest, a bias, or time constraints, it will go to the Secretary Treasurer and then additional members as designated by the President's judgement. The Executive Director with Aging and Disability Services will send out a letter to the person or persons whom a complaint has been given 30 days to provide documentation. Dr. Fronapfel will also list out a process that is similar to the BACB to make sure they are following a similar process to them. Dr. Milyko seconded the motion. All in favor, motion passed.

8. Discussion and Possible Approval of a Board of Applied Behavior Analysis Logo  
(For Possible Action)

The board members reviewed the logos and discussed their logo preference. Dr. Fronapfel suggested to solicit public comment to receive feedback on which logo they should go with. Dr. Milyko liked this idea and suggested to pick two logos for the public to vote on.

Dr. Milyko made a motion to approve the purple circle and the battle born logos to be sent out to the public for a vote. Matt seconded the motion. All in favor, motion passed.

Jennifer Frischmann stated that they now have two logos that the board just voted on and clarified that they will now be putting this off for the next meeting. Jennifer

asked if the public would be emailing the ABA Board email to state which one they like better. Dr. Milyko suggested to put it up as a poll on a provider Facebook page. Dr. Milyko also suggested to have the Administrator of the Facebook group to email the poll results to Jennifer.

Dr. Fronapfel asked to redo the previous motion. Dr. Milyko motioned to adopt the logo as determined by the Facebook poll on the Nevada Provider ABA Facebook page. The results will then be emailed to Jennifer by Molly Halligan. This poll will stand for one week. Christy seconded the motion. All in favor, motion passed.

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

Jennifer Frischmann began the ADSD update by addressing the issue with background checks. Jennifer stated they continue to contact the Department of Public Safety as most recent as this morning. They are taking up to six weeks to get the background check results back. In the last couple of weeks, the email has blown up requesting status updates and stating that ADSD is not processing their application. Jennifer clarified that this is not ADSD's fault. If they do not have the background check results, they cannot process it. They may reach out to DPS and they will tell you it is in process or that it has been sent. ADSD must be the ones to request a status request. Laryna sends out these status requests at least weekly. As of this morning, there are 28 background checks pending. Some of them go back to September 17<sup>th</sup>. Jennifer explained that they have received threats from people saying they are going to go to the Governor. They can continue to ask for status updates every day. ADSD will continue to do their best responding to these each day. However, there are still some misconceptions that there is no one at the office to accept mail. This is simply not true. The front desk is staffed every single day. Laryna is also in the office throughout the week. As those background checks come in, they are being processed. Jennifer continued to explain that DPS is understaffed. They have one person right now, so it is taking longer.

Laryna Lewis gave the application status update beginning with currently licensed and registered. The total numbers completed are as follows: 1,386 RBTs, 36 LaBAs, and 298 LBAs. The pending numbers are as follows: 151 RBTs, 1 LaBA, and 323 LBAs. Laryna also stated there are 1 LaBA and 7 LBAs that hold a provisional license. In September, there were 45 RBTs, 2 LaBAs, and 7 LBAs completed. So far in October, 32 RBTs and 8 LBAs have been processed.

Dr. Fronapfel asked Laryna what the primary reason is for the pending statuses. Laryna explained for RBTs it is now backgrounds. Laryna also stated that when an LBA or LaBA application comes in, they are offered to sit for an exam at the same time the fingerprint email is sent. They have consistent exam dates and no complaints have been received regarding availability of exams. Jennifer also wanted to state a reminder that they are only doing one exam at a time due to COVID. They exams are scheduled about an hour and 15 minutes apart so everything can be

wiped down. The exam taker is also instructed to take their pencil with them once they have completed the exam. ADSD is trying to be as cautious as possible.

Jennifer gave an update on Certemy. They had their first onboard welcome meeting right before the last board meeting. They gave them a walk through of the product. Jennifer stated in her 18 years of state Government, this vendor is incredibly easy to work with. They are very responsive and have already downloaded all of their applications. They were also very familiar with their regulations. Jennifer and Laryna are now on their third onboarding call. They are walking them through what it looks like from the applicant's side as well as on the Administrative end. Jennifer explained that this system has alerts. In current cases, there are some applications that have been sitting for six to eight months. Laryna will send out letters to see if these applicants are still interested. This system has ticklers in it which means if they are missing a piece of the application, an automatic email will be sent to remind them of what is still missing. Both Jennifer and Laryna are very excited for this function in this software. They recently learned that the electronic payment process will need to go through the Secretary of State's office through the state. The ADSD IT staff, Certemy, and the Secretary of State office are working on this to make sure it is up and running. Jennifer continued to explain this software is very intuitive and walks you through step by step. Laryna explained that this software should make the application and approval process much quicker. Jennifer also explained that they would like to integrate the Certemy system with the Department of Public Safety so that the background checks get sent automatically through Certemy to hopefully eliminate the lag time with mail as US mail has slowed down as well, but this will be down the road. Their next call with Certemy will be sometime next week which will be to get a better understanding of when the system will be able to go live. Jennifer asked for all Behavior Analysts and Assistant Behavior Analysts to start sending in their renewals and to have their RBTs send in their renewals now instead of waiting later so the process can keep flowing.

10. Discussion and Possible Approval of a Recruitment Strategy for Board Members Whose Term Limits Expire January 1, 2021 (For Possible Action)

Jennifer explained this was put on the agenda for Dr. Milyko and Matt to begin thinking about if plan on being reappointed and if not, to have the board members think about recruitment strategies. Jennifer suggested to Dr. Milyko and Matt that they may want to decide soon since the first time they appointed members it took some time with the transition of a new Governor elected and now with it being an election year and a new legislative session. Jennifer explained if they do want to be reappointed, she will walk them through the process.

Dr. Fronapfel asked if they wanted to be reappointed, would they be automatically given a four-year term? Jennifer stated that she did not know and would need to go back to 439. Matt explained they staggered the terms so that there could not be an entirely new board at one time. Dr. Fronapfel also asked if the public could still apply



even if a current board member is trying to become reappointed. Jennifer stated that she will do some research on this.

Dr. Milyko encouraged everyone to apply who are serious and understand the big responsibility of being part of the board. Dr. Fronapfel asked if Jennifer or Laryna could send a blast out letting people know that they can apply for the open positions. Jennifer stated they can send this out on the regular distribution list. Laryna asked if this would be coming from the Board or the Division. Jennifer stated they will send it out on behalf of the board. Dr. Fronapfel recommended that it comes from the Division. Jennifer stated they will send this out and include a link to the Governor's website.

11. Review of Financial Status with Discussion and Possible Approval of Spending Board Funds for Temporary Staff and other Potential Expenditures **(For Possible Action)**

Christy gave the financial update by going through the expense summary sheet. Christy stated the summary was as of October 15<sup>th</sup> and reminded everyone that this is not a yearly report but rather it is by fiscal year beginning July 1<sup>st</sup>. They ask for in-state travel just in case Jennifer or any board members needed to travel to conduct investigations. Jennifer explained that category 1 is where the board's salaries is taken from. Neither Jennifer, Laryna or any ADSD staff's salaries are paid with board funds, this is strictly for board members who are paid per diem on a quarterly basis. They originally budgeted for 15 meetings and had ended up in the negative because they had additional meetings that they did not expect to have. If they go over the amount of meetings that were budgeted, they will need to move some money around. Christy stated that the moving of the money is not easy because they will need to request a work program and likely they will need to do this again since they are having so many board meetings. They currently have \$171,000 in the bank. Christy explained the below number is much larger which is their approved amount to spend although they can really only spend the money that is currently in the bank. Jennifer confirmed and explained that everything else is based on projections from the previous year. They will know a lot more by January with the renewals.

Christy stated to the board members that she asked Kirk what categories were needed if the board members wanted to go to a FARB conference for example. Christy learned that they will need to request categories but they will also need to provide rationale to the state as to why they need this. If they don't spend the money in the category then that also becomes a problem.

Dr. Milyko explained that this sheet is very high level. She would like to see these numbers a bit more broken down. Christy agreed with Dr. Milyko and stated to have a breakdown of the revenue for licensing fees each month. Dr. Milyko stated that this information is not helpful if they wanted to see how proration of fees for RBTs would affect the budget. Jennifer asked Christy if this was something they had discussed previously which was giving her the application status numbers each month as well as the fees that came in and Christy would break this down. Christy confirmed that is

what they had discussed wanting to do with these numbers. Christy would like to go back to some months to review data and there is also lag from when payment is received versus when individuals become registered. Christy stated they would need to figure out what to do with those numbers. Jennifer asked exactly what data they are asking for and how can they give this to them. Christy stated they would want the amount of license and registration fees per month and broken down by LBA, LaBA and RBT. They are also prorating fees so its not as easy. They would also want to know how many applications were certified each month as well. Jennifer explained that she and Laryna will work with Christy to try and give her this data but Jennifer does not believe it will ever true up. Christy asked Jennifer if Certemy has financial reports. Jennifer stated they have not discussed financial reporting yet, but it is something they can look into. Christy then asked the board members how they would like to proceed with this. Matt stated that he would be ok to wait until Certemy is up and running. Jennifer also explained for the board member's awareness that Certemy will not contain historical data, meaning it will not capture previous funds. She also explained that unless they require everyone to submit their payment electronically, the fees will never true up. Matt stated that they are looking more for a ballpark estimate on what percentage is coming from each credential and believes that should be good enough moving forward.

Dr. Fronapfel asked Jennifer if all the data for the last fiscal year is done, then they should be able compare month by month or look at the total of everyone who was licensed or registered. Jennifer explained they can do that but they would need to go through all of the OP statements. Jennifer stated that her and Laryna do not have time to go through an entire year of data but is more than happy to send it over to Christy.

Dr. Milyko stated that she has already done this and clarified with Jennifer that the prorated fees are monthly. Dr. Milyko will send the spreadsheet over to Christy which covers about 6 months of data based on the numbers provided by Laryna in the meeting minutes.

Christy indicated that the agenda also includes the possible approval of spending board funds for temporary staff and other potential expenditures. Dr. Fronapfel stated FARB recently came out with new online dates. Jennifer explained that she would like to keep this on there in case something comes up that the board decides they need to spend money on something they will have this flexibility. Jennifer gave some background regarding why this includes possibly hiring temporary staff. When this all began, they had no idea what it was going to look like. Although they continued having public workshops and explaining that these RBTs must be registered, everyone waited for May and June when July 1<sup>st</sup> was the cut off. Everything was manageable until it wasn't. Jennifer is concerned this will happen for renewal as well and expressed it would be irresponsible for the board to hire temporary staff right now because there would be nothing for them to do. If they do need to hire temporary staff, it will take 2-3 weeks to bring someone on which is why she encourages having everyone's RBT renew now to help make it manageable and

so it won't be a misuse of board funds. Jennifer would like to keep this as a placeholder in case they do need it.

Dr. Fronapfel moved the discussion to the upcoming FARB conference and clarified Dr. Milyko and Julie Slabaugh were the only ones who attended the last conference. Julie was able to be funded by her own agency and Dr. Milyko was self-funded. Dr. Fronapfel wanted to identify what board member should attend the next conference. This will be a live virtual conference, so attendance from multiple board members will not be an issue. Julie is not sure if she would be able to make it and is also uncertain if it would be good use of board funds for her to attend a second year. Christy stated it will be likely that they may need to add category 30 for training and stated she will need to discuss this with Kirk because it may not be able to go into their operating cost. Adding this can take 4-6 weeks. Christy asked Jennifer for clarification. Jennifer stated she will clarify this with Kirk but believes it can be justified under operating. Dr. Fronapfel asked Christy to find out how much it would be to send three board members and potentially Julie.

Christy made a motion to pursue nailing down a budget and registering three to five people of the board and staff to attend the virtual FARB conference in January 2021.

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

Christy explained they would want their standing agenda items and make sure the job descriptions is list as an agenda item, and discussion of the Governor's Directive 011. Jennifer asked if these items would be included for the emergency meeting. Laryna suggested to include a discussion around renewals and approving CEU logs. Dr. Fronapfel would also like to include discussing set days and times for future meetings.

Christy motioned to have the current standing agenda items, discussion of the Governor's Directive 011, future meeting dates and times, discussion of renewal process, and job descriptions with Shane Isley. Matt seconded the motion. All in favor, motion passed.

#### 13. 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.)

Veronica Smith gave a public comment. She is not certain if this was part of an agenda item but she understands there was a recommendation as far as including the provider when working with or dealing with complaints. Ms. Smith stated they could eliminate bias so on and so forth and believes it is a great idea. Also, the process of alternating the providers that are part of those discussions is a recommendation. Ms. Smith made an additional comment stating for companies or providers that want to pay for all their RBTs as far as the renewal process, she recommended to give some guidance on how that can be done. She stated they

sent an email but it is also recommended if there is just one package that can be sent and one check written. With the new funding or monies coming in, perhaps looking into a different service other than DPS with the timeframe that is taking as long as it is for providers. Ms. Smith continued to explain that she is not sure if it is due to the pandemic but stated that she uses them as well and they take about three weeks to get back to them. She understands they are a big agency and require more information. She ended her comment by stating thank you for what you do.

Gwen Dwiggins gave a public comment. Dr. Dwiggins stated while the Governor's Directive discusses exemptions for clinical level staff, the assumption that an individual classified as a Behavior Technician meets the equivalent standards and rigor of a BACB Registered Behavior Technician designation is a potentially false and dangerous assumption. A submission of proof of a BACB Board Certified Behavior Analyst or Board Certified Assistant Behavior Analyst license is required when seeking this exemption currently per the last emergency meeting. This should also be required for the RBT level, specifically the Registered Behavior Technician from the Behavior Analyst Certification Board. There is still uncertainty regarding if Medicaid or commercial insurance will reimburse for services rendered by a non-state licensed or registered individual. Given this, there is no benefit to increase access when these providers must still be unable to provide services to consumers. There is a risk of unlicensed and non-certified individuals providing services to private paid families. This creates risk to the consumer regarding quality of rendering providers, concerns of having families pay privately for a non-credential provider at cost they all know are not nominal, and the integrity of their field as a whole. Dr. Dwiggins continues her comment to state furthermore, are they opening a potential floodgate of noncredentialed/various level credentialed such as RBT, BCAT, no certification, etcetera to be rendering services for which will be challenging to track and cease when the Governor's Directive ends. This too is potentially harmful to consumers they serve with fidelity and integrity of the treatment and services of their profession. Dr. Dwiggins stated lastly, she would like to express her thanks and absolute appreciation and gratitude to all of the board members for everything they do and ADSD who has always responded to all of their questions and concerns in a timely manner.

#### 14. Adjournment

Dr. Fronapfel adjourned the meeting at 1:54 PM.

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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 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:

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