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MINUTES

Name of Organization: Nevada Commission on Autism Spectrum Disorders

Date and Time of Meeting: December 4, 2018
4:15 p.m. (PST)

Las Vegas: DRC/ATAP
1391 S. Jones Blvd.
Las Vegas, NV 89146

Call to Order/Roll Call

Dr. Mario Gaspar de Alba called the meeting for the Nevada Commission on Autism Spectrum Disorders to order at 4:16 p.m.

Members Present: Dr. Mario Gaspar de Alba, Gwynne Partos, Julie Ostrovsky, Korri Ward, Sarah Dean

A quorum was declared.

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)

Mr. Eric Kessler introduced himself as a BCBA on the Workforce Sub-Committee. Mr. Kessler also serves as a Commission member for the Commission for services for people with disabilities. Mr. Kessler wanted to share some interactions and conversations he's had with parents and providers regarding the change in funding distribution for Insurance Assistance. Over the last two weeks, majority of the families Mr. Kessler encountered that's on an Insurance Assistance Plan, is very worried about their child's services and what the impact will be. Mr. Kessler mentions, as a Provider, parents come to him, but he is unable to provide good answers for them because of the number of changes. Every provider that has reached out to Mr. Kessler, as a member of CSPD and as a Sub-committee member, they anonymously express concerns about the changes and how

potentially it can affect their clients. Families have expressed their concerns as well with coming up with the money early in the year and to pay for the services that have been rendered and meet those deductibles. Mr. Kessler stated that members from CSPD agree with this and agree with the recommendation to have ATAP work with providers to make adjustments to the distribution change. Mr. Kessler hopes some resolution can come forth before January 1st so that kids' services are not negatively impacted.

Ms. Susan Anderson is the parent of Harley Anderson who is seven years old and on the spectrum. Harley has been in ABA services since he was three years old. Ms. Anderson seconds with what Mr. Kessler said about the concerns on service changing. Ms. Anderson's son will be one of the kids affected by this change. Harley would go from fifteen hours a week to four hours a week. As appreciative as Ms. Anderson is for the assistance, it is a huge concern for her. Ms. Anderson mentioned how well her son is doing currently and does not want to see regression. Representing the parents, she is trying to see if there's a compromise to keep the kid's hours up and find a solution that doesn't require a drastic change because it's been proven that four hours a week is not going to be affective at that young of an age.

Dr. Ken MacAleese wanted to state some updates on the licensure process. Dr. MacAleese received a call from Jennifer Frischmann at ADSD and several changes have happened, which there isn't a complete understanding just yet. Dr. MacAleese advised he cannot provide all the details, because they're not confirmed, but he will provide some things that accrued. ADSD is putting in place some language for Behavior Analyst, which the understanding Dr. MacAleese has is that some of this regulation is required to continue to operate and comply with the law effective in January. Due to the time he has, he is unable to go in to allotment, but mentions that there is a posting on the ADSD website under the Applied Behavior Analyst section that list the emergency NAC language. There will be public comment on December 12th. Dr. MacAleese advised that there's obviously several concerns regarding this language and was not pro-active with Behavior Analyst in communication. The board is not yet able to be in action. The governor has made some communication and has issued a letter. He mentioned that they have contacted the governor's office for a list officially but have not received them yet. Dr. MacAleese wanted to make everyone aware, because there are going to be some temporary fees that are set up and number of components that were listed from old language that's been migrating its way over. Representing the Nevada Applied Behavior Analyst and Public Policy Committee, they're going to really try and get a lot of public comment, Dr. MacAleese said that the meeting is posted for the 12th of December.

Dr. Gaspar de Alba asked for dr. MacAleese to please email Tiffany with any more information, so she can forward it on to the Commission members,

Ms. Kelly Venci Gonzalez from Legal Aid Center of Southern Nevada, Inc. wanted to make aware one of their Legislative priorities for 2019 legislator is with special education and new process consigsns. They are hoping to modify the NRS, to allow when the school district doesn't comply with resolution agreements, to go back to the hearing officer rather

than have to file in State court. Ms. Venci Gonzalez is hoping the Commission will help to support this.

Dr. Gaspar de Alba asked if Ms. Venci Gonzalez what Legislative number this is?

Ms. Venci Gonzalez responded that she will get that to Dr. Gaspar de Alba with that information.

Approval of the Minutes from the November 15, 2018 Meeting (For Possible Action)

Ms. Partos made a motion to accept the minutes. Ms. Ward seconded the motion. The motion passed.

Approval of Commission supporting a bill to increase RBT rates (For Possible Action)

Dr. Gaspar de Alba stated they were going to skip this agenda item for now and go straight to agenda item number six. They will come back to this item.

Report the progress in moving Commission into Statute

Agenda item was skipped.

Discuss Subcommittee Report Funding and Insurance

Ms. Tache stated that the Sub-committee did have a very informative meeting today at noon. One guest who spoke on the agenda was Ms. Baily Bortolin, a lobbyist with the Legal Aid Center of Southern Nevada, Inc. Ms. Bortolin has been very helpful and has been working with Senator James Ohrenschall to further a bill that will include the rate increase and different recordings for the agencies ATAP and Medicaid, because the rate is just one of the solutions not the total solution. Ms. Tache's understanding is that the Bill draft must be in by the 10th of this month. A little more information about the rates that have been discussed is Ms. Bortolin has been talking to Maggy Carlson, the Chair of the Finance Committee on the Senate side. Ms. Tache mentioned conversations about the Tricare rate being \$42.00 for the RBT rate and may be a good number to propose in the Bill. However, after our conversations today, we discovered that Nevada Tricare RBT rate is \$46.50. So, the national average for the Medicaid RBT rate is \$48.00. Ms. Tache advised a lot of conversations going around about not wanting to over ask, because then they will not have a shot. Another point is maybe not shooting for the high number and aim towards more of an average, around \$48.00, and revisit it later. Ms. Tache stressed on how they need that number by today to submit.

Dr. Gaspar de Alba asked if Ms. Tache knew what the RBT rate was for all surrounding States?

Ms. Tache has a chart. Utah is the lowest in the Country and Nevada is the fourth lowest. California is \$52.49, Washington is \$44.00, Oregon is \$44.00, and New Mexico is \$50.00.

Dr. Gaspar de Alba advised that the conversation that came up a couple of years ago was that states with higher rates have caps, so they may pay more per hour but then cap the numbers of hours and Nevada had not capped the number of hours. Dr. Gaspar de Alba thinks it should be part of the language.

Ms. Ostrovsky appreciates what Dr. Gaspar de Alba said but thinks at this point they have rates to compare within our own state to show that if you have a different income standard, you're reimbursed less and then less access to services. So, Ms. Ostrovsky wants to make sure they're comparing apples to apples and oranges to oranges and it's easier to look at what is already going on in the state with other providers rather than going outside of the state to try and compare that.

Dr. Gaspar de Alba asked how to compare inside the state?

Ms. Ostrovsky mentioned looking at Tricare and private insurances.

Mr. Eric Kessler advised that Tricare is lower and private insurances are much higher. He doesn't know the exact numbers, but he knows they're going to range much higher than Tricare and the current Medicaid rate is around \$31.00, and Tricare is around \$44.00. He mentioned some private insurances ranging between \$55.00-\$65.00.

Ms. Tache mentioned the BCBA rate being \$120.00 and the BCaBA rate being \$75.00, so looking at the RBT rate at \$31.00, it just doesn't line up.

Dr. Gaspar de Alba is going back to agenda item number four.

Approval of Commission supporting a bill to increase RBT rates (For Possible Action)

Dr. Gaspar de Alba asked all Commission members if they needed more information on this bill?

Ms. Ostrovsky stated that she wants to go higher than the \$42.00, because she thinks Medicaid is coming in there and there's room to compromise. She doesn't want to go all the way up to \$55.00, but somewhere in the middle. Ms. Ostrovsky said that there's a session every year and thinks it would be best to do it in increments. Ms. Ostrovsky is comfortable with \$46.00-\$48.00 rate.

Dr. Gaspar de Alba agrees with Ms. Ostrovsky and thinks \$46.00 would be best.

Ms. Partos stated it sounds good for her and thinks it's important to have a reasonable figure.

Ms. Ostrovsky asked if there were any providers or other committee members on the call to see what they think.

Ms. Ward would feel more comfortable if she was able to see a list of different reimbursement rates in the State of Nevada for different insurance companies, other than Tricare. She mentioned HPN and BlueCross/BlueShield. Ms. Ward is also concerned

about raising the rate and getting hours cut shorter. She wants to make sure that raising the rate will not reduce hours.

Dr. Gaspar de Alba thinks it is important to come in with an average rate, that will not jeopardize hours.

Ms. Lenise Kryk stated that she is a provider and can provide some information if needed.

Ms. Tiffany Ellis advised Ms. Kryk to please hold her comment until public comment.

Ms. Ostrovsky asked if a question is asked to someone, it becomes public comment if discussing a vote on the agenda item?

Ms. Rique Robb asked to please keep in mind, within the Open Meeting Laws, you can only have the members speak on what is on the agenda. So, keeping with the agenda, members can request information, but either at a different time or they can make a public comment during public comment.

Ms. Ward asked if Ms. Kryk's comment wasn't apart of agenda item number four, since the members are discussing what rate to increase the RBT rate to?

Ms. Robb answered, when only having one provider on the line and not an entire group and asking for feedback, then if they provide that feedback, it can be brought back in the next meeting. It can be done that way. But to ask in the middle of a meeting without them, or without being either a member of the Commission or already on the agenda, then no.

Ms. Kryk stated that Southwest commented in the last meeting, but she was not allowed to.

Ms. Robb said she is trying to get this Commission to follow OML as they have not followed it historically in the past. Ms. Robb can't say what has happened at one meeting to the other, but what she can say is based on today and OML, no, she is unable to make a comment if not listed under that agenda item.

Ms. Ostrovsky stated that providers cannot provide their rates, as it is a competitive market, so that's part of it. Ms. Ostrovsky believes they should have had a list of questions before they came in today.

Dr. Gaspar de Alba asked, according to Open Meeting Laws, can he move public comment up, before voting?

Ms. Robb answered, before the meeting, you can choose either to have public comment at the beginning and end of the agenda, or you have the option to have public comment at the end of each agenda item. Keep in mind, while having public comment, you cannot have a conversation back and forth, which is something that this Commission has been doing. Public comment is only for comments.

Dr. Gaspar de Alba asked Commission members if they needed more information on this agenda item in order to vote?

Ms. Ward made a motion to approve the bill to increase the RBT rate to the national average of \$48.00 an hour. Ms. Dean seconded the motion.

The motion passed.

Dr. Gaspar de Alba asked Ms. Tache to please pass on this information.

Report the progress in moving Commission into Statute

Dr. Gaspar de Alba came back to agenda item five and asked Ms. Partos if she had anything. Ms. Partos advised that Ms. Ostrovsky is working on the bill with Senator Ohrenschall, but there's currently no draft to see.

Ms. Ostrovsky asked all members on the call, to make sure to respond to Ms. Ellis regarding the email that was sent about staying on the Commission board, as paperwork needs to be submitted right away.

Confirm Dates for Future Commission Meetings (for possible Action)

The Committee decided their next meeting would be on December 17, 2018 at 12 p.m. Ms. Ward made a motion to accept the date and time of the next meeting. Ms. Partos seconded the motion. The motion passed.

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)

Ms. Kryk from the Lovaas Center thanked the board members of the Commission for working so hard to help the kids get the services that they deserve. She thanked them for their willingness to listen and cooperate here in the community.

Ms., Jasmin Horn, a parent, mentioned she was at the sub-committee meeting earlier today and she wants to reiterate the Insurance Assistance program and is hoping there will be a change in January to the \$500 a month. She asks to please let the parents know of any upcoming changes. Ms. Horn thanked the Commission for working towards a better RBT reimbursement rate as well.

Adjournment

Dr. Gaspar de Alba adjourned the meeting at 5:00 p.m.