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MINUTES

Name of Organization: Nevada Commission on Autism Spectrum Disorders

Date and Time of Meeting: May 30, 2019
4:00 p.m.

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 4:00 pm.

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

A quorum was declared.

Public Comment

Mr. Jack stated that it is unclear for individuals who have home programs and are hiring individuals privately and independently, insurance providers. He is wondering if SB258 is directed towards these folks.

Ms. Ostrovsky understands that that bill did pass, but unsure if has been signed. This bill may impact that, and she is trying to get clarification.

Ms. Jennifer Frischman from Aging and Disability Services asked for clarification because with the new NRS437 govern practice of Behavior Analyst, if these people

are representing themselves as providing ABA services, then yes, they need to be licensed.

Ms. Kerri Milyko thinks that this is beyond the NRS and feels Mr. Jack should look at what constitutes the practice of ABA.

Mr. Jon Paul Saunders, BCBA and LBA with the Lovaas Center, expressed some concerns regarding the enforcing of the ABA practice act as well. There are some related providers that Mr. Saunders collaborate with, will clearly be doing ABA without licensure/registration (ex: BST workers, Vocational job coaches, PSR, etc.). Mr. Saunders is deeply concerned about the barrier this creates for his ability to insure care for his clients. This broad definition is very unclear as to when collaborating with these folks without licensure/registration is in fact breaking the law. Making everyone out to be an RBT to practice ABA on a 1x1 level is creating a huge barrier for the population he works with.

Ms. Frischman advised that she would like this looked at by the ABA board and to please send any comments or concerns to the ABA board email: ABABoard@adsd.nv.gov

They are unable to go against NRS437 as a lot was taken from the Board of Psychological Examiners, but if everyone sends over their comments and concerns then they can bring them up in board meetings and/or Public Workshops.

Ms. Lenise, from the Lovaas Center, stated that a lot of her concerns have been address by the previous comments, but she just wanted to give another example as to each therapist who are also not exempt and being able to collaborate with them to care for these clients is a big piece of what she does. Based off what she read. those recommendations and collaborations can be hindered. Unsure if they would be able to stay within the regulations that continue to provide effective services for the kids.

Approval of the Minutes from the May 7, 2019 Meeting (For Possible Action)

Ms. Partos made a motion to approve the minutes. Ms. Ostrovsky seconded the motion. The motion passed.

Legislative Update

Ms. Ostrovsky reported:

SB216 – Meet Monday at 8am – She thanked everyone for testifying.

SB174 – Unfortunately the Medicaid rate was too high, so they had to take that part out. The Audit part was left. They will try again in 2021.

She appreciates everyone for their participation and encourages everyone to thank those who are fighting for these kids and families.

Ms. Frischman mentioned another bill to follow:

SB258 – regulates practice of ABA. This is a clean-up bill from SB286 that was introduced last Legislative session.

Update on Autism Treatment Assistance Program

Ms. Jayme wants to thank the Community and the Commission for their support, being vocal and their feedback. Ms. Jayme has been in her position for a year and believes ATAP has come a long way in that time.

Due to the NRS437, ATAP is no longer able to allow for the 90-day certification period as of July 1st, 2019. A memo was sent out to all ATAP's Providers from Ms. Frischman explaining why.

Ms. Jayme explained what ATAP is doing to help this workforce:

- Continuing to provide RBT 40- hour courses
- Now providing RBT 40-hour courses in Spanish – to build the bilingual workforce as well.
- Now providing Practice Tests
- Continuing to work with all Providers to see how ATAP can support them.
- Taking Data on Supplemental things (IEP's/Materials/Potty Parties/Translation)
- Looking into raising their Monthly allotment for Insurance Assistance Plans.
- Outreach for out of State Providers. Currently there's about 52 Providers statewide.

Ms. Jayme is excited in going into the new biennium. ATAP has new positions and they're looking to start a lot of children.

Medicaid Updates

Ms. Hutchison advised that it's the calm before the storm currently at the end of Legislative Session. She mentioned a couple of things pending:

- SB370 passed, so Medicaid will be updating their policies to reflect that. Will go in effect on January 1, 2020.
- SB174 – revisit and removing the Prior Authorization requirement from ABA Services

Ms. Hutchison will keep everyone posted as she mentioned possibly doing some workshops this Summer in Carson City and Las Vegas.

Lastly, Ms. Hutchison stressed on getting your RBT's registered with the Board, as Medicaid also must follow the law. As of July 1st, Medicaid will have to terminate all RBT's that are not registered with the Board.

Ms. Frischman stated to please understand that there is no retro. So, if your application is not in by June 30th and processed, Medicaid and other insurances will not go back retroactively.

Ms. Hutchison confirmed Ms. Frischman statement and advised that they are trying to do everything possible to get all these RBT's registered and to keep our kiddos receiving services.

Applied Behavior Analysis Board Updates

Ms. Frischman stated that the Board of Applied Behavior Analysts was formed effective January 1, 2019 as a result of SB286 that passed in 2017. The Board members are Governor appointed and have been publicly meeting once a month. The Board is primarily responsible for drafting and implementing regulations surrounding the practice of ABA. Ms. Frischman mentioned the board calling in a national expert for a future public workshop that will hopefully be coming up the end of June/beginning of July. Public comment will be an agenda item for those who would like to voice their comments and concerns regarding the regulation. She advised that there's an upcoming board meeting June 13th, posted on website

The board consulted with the Deputy Attorney General about the 90-days and to allow RBT's to provide ABA services prior to their certification is against NRS437 practice act. The 90-day period will discontinue July 1st, 2019. People are asking for a grace period, but this law went into effect January 1, 2019 and the grace period ends June 30, 2019. Ms. Frischman encourages everyone to follow the bills that can affect this community during the Legislative sessions. Unfortunately, at this point, there's nothing the board can do as session ends in a few days. So, there will be no changes to NRS437 until next session.

Any RBT's that are not registered with ADSD by June 30th will be terminated with Medicaid and if participating in any of the MCO's, that enrollment will also be terminated. Ms. Frischman stressed on getting these applications in and to please beware of the timeframe. Once application is turned in ADSD will send over the fingerprint instructions. Fingerprints can take up to three weeks to receive results back. Due to the deadline, Ms. Frischman and her Assistant will be coming in on Saturday to review these RBT applications. They will be sending over a list to ATAP, Medicaid and the MCO's of those who have registered and those who have not yet registered. For those with emails on file, ADSD will be emailing out reminders to the Behavior Analysts. For Behavior Analysts who are not on the email list, Ms. Frischman asks that they please email ABABoard@adsd.nv.gov to get on their list. This list was created over a year ago and assists Behavior Analysts with reminders, upcoming meetings and beneficial information. Currently ADSD is working on creating a listserv for the community to get information out, but in the meantime, Ms. Frischman will email all information to Ms. Tiffany Ellis to get out to the Community.

All instructions and forms are online and currently working on an RBT FAQ form. For those unaware:

- \$70.00 Flat fee for Registration
- Fingerprints are separate

Subcommittee Report

Funding and Insurance

Ms. Tache was not on the call.

Adult Services

Ms. Ostrovsky stated that there's an upcoming meeting next month, but can't remember the date, so will email out a reminder beforehand.

Public Comment

There was no public comment.

Confirm Dates for Future Commission Meetings (for possible Action)

The Committee decided their next meeting would be on June 12, 2019 at 4:00 p.m. Ms. Ward made a motion to accept the dates and times of the next meeting. Ms. Ostrovsky seconded the motion. The motion passed.

Adjournment

Dr. Gaspar de Alba adjourned the meeting at 4:56 p.m.