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ABA BOARD DRAFT MEETING MINUTES

Date and Time of Meeting: February 13, 2019 1:00 PM

Name of Organization: The Board of Applied Behavior Analysis

Place of Meeting: Aging and Disability Services Division
9670 Gateway Drive
Reno, NV 89521
First Floor Conference Room

Nevada Early Intervention Services
1161 South Valley View, Suite 209
Las Vegas, NV 89102

MINUTES

- I. Roll Call and Verification of Posting
Mariana Acevedo verified posting. All four members of the Board were present Dr. Kerri Milyko, Christine Fuller, Dr. Brighid Fronopfel and Matthew Sosa.
- II. 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.)

Jay has issues with the fees and wants the salary to be discussed in this meeting.
- III. Approval of Meeting Minutes (For Possible Action)

Christine made a motion to approve the meeting minutes from the last Board meeting on January 28, 2019, Brighid seconds the motion. All in favor, motion passed.

IV. Discussion, recommendations, and possible approval of draft regulations relating to fees and practice of behavior analysis based on public comment from Public Workshop conducted on February 13, 2019. **(For Possible Action)**

Agenda item taken out of order by president Kerri Milyko. She clarified ADSD decides on the fees implemented not the Board. Fee for \$25 initial licensing should be specified as an LBA/LaBA requirement.

Brighid suggested the Board waits until there is data and enough information for the Board to make a recommendation to ADSD regarding the fees.

Julie stated an annual fee for RBTs (as suggested) goes against NRS 437, as it states biannual fee.

A member of the public steps forward wanting to ask a question/public comment. Kerri approves for public comment. Jay stated RBT should not have fees as these are creating a burden on the field.

Kerri explained the RBT registration is stated in the law and it takes money and time to do so, therefore the fees cannot be taken away completely.

It is determined removal of examination is too much of a change for LCB approval. The Board decided to check if they can meet in a closed setting to review the test.

Kerri stated renewal forms section should be changed from "will mail" to "will send" to expand our options and help with costs.

Under the section of "Placement of license on inactive status..." It is pointed out that there are several sections that state "the Board" referring to the Board of Psychological Examiners. These are determined to be changed to ADSD/Division. Any section that states "the practice of psychology" should also be changed to "practice of behavior analysis" and sections that say "as applicable" should be removed. Any sections that mention "autism behavior interventionists" should be replaced by "registered behavior technicians."

Under the section that refers to NRS 437.130. section 1, letter e, it is approved to add "for reasons other than administrative" after "Division".

Section 1 of Educational requirements was discussed to be changed as follows: An applicant for licensure as a licensed behavior analyst or a licensed assistant behavior analyst who has completed a training program that is not a verified course sequence as approved by the Association for Behavior Analysis International or the Behavior Analyst Certification Board must establish to the satisfaction of the Board that the program is equivalent to a program verified course sequence by the Association for

Behavior Analysis International, the Behavior Analyst Certification Board or its successor organization.

Through discussion it was determined to change the supervision requirement of LaBAs and RBTs from “during at least 5 percent of the hours he or she works each month” to “as determined by standards set forth by the Behavior Analyst Certification Board,” in section 1. In section 2 it was determined to change “during at least 10 percent of the hours the autism behavior interventionist works each month” to “as determined by standards set forth by the BACB.” In section 3-(a) “hour” will be changed to “contact” and 3-(b) “At least 4 hours each month of additional direct supervision,” will be changed to “Additional supervision that aligns with standards set forth by the BACB.”

It was agreed to table the continuing education section, for permanent regulations.

Matthew motions to accept the temporary regulations as revised through discussion, Christy seconds the motion. All in favor.

V. Discussion and Determination of Future Test Dates **(For Possible Action)**

Through discussion it was decided that ADSD provide and administer the exam. Exams are determined to be set up by ADSD based on number of applicants ready to take the test.

Christine made a motion to allow ADSD to schedule testing as necessary based on the number of applicants. Matthew seconds the motion. All in favor.

VI. Discussion and Determination of Salary for Board Members **(For Possible Action)**

Discussion regarding how many meetings might take place, how the salary might affect the budget and how time in the Board might affect the board members financially. Salary will be revisited in the future, including Melissa Laufer-Lewis’ reports regarding current funds available, RBT registration impact on ADSD employees, etc.

Matthew made a motion for Board members to receive a salary of \$150 per meeting day. Christine second. Kerri, Matthew and Christine voted in favor. Brigid voted against. Motion passed by majority vote, payment to be retroactive to previous meeting.

VII. Review of Fiscal Status

Melissa Laufer-Lewis presented the financial statement. Attachment A. Melissa stated the funds need to be as budget neutral as possible, since the State nor the Board can make profit off the fees, funds will carry over to other years they need to be as low as possible.

Discussion regarding possible expenses such as lawyers, investigations, court attendance, etc.

Julie Slabaugh gave examples of how the Division could cover these needs with in house staff and there would be no fees incurred if this happens.

Melissa Laufer-Lewis addressed the Boards' concerns, suggesting an amount is set aside to carry over, every year/biennium, to cover an investigation if needed.

VIII. Discussion and Determination of Application Process (For Possible Action)

Kerri asked if ADSD estimates to have enough man power to keep up with RBT registration.

Jennifer stated ADSD would try to manage applications as they come. None have been received.

Christine suggested posting a checklist on our website for requirements on each application.

Kerri requested data on dates applications are received and dates licenses were processed.

Jennifer brought up the application process and asked whether the Board wants to look at all applications or only applications with specific problems, for example with the background check.

Through discussion it was agreed that only problematic applications should be brought to the Board, as to not slow down the application process to all other applications. Christine motioned, for ADSD to continue the application process and license designation to applications without issues and any questionable applications be brought to the Board, as deemed possible, by open meeting law. Matthew seconds the motion. All in favor.

Matthew recommended appointing a board member to scrutinize and assist the agency, on problematic applications. This will go onto the next agenda for possible action.

IX. Update on Emails and Current Application Status

Jennifer Frischmann updated the Board on the current applications. She stated all of the files received from the Board of Psychological Examiners (BOPE) had been processed, some abnormalities were found such as duplicate license numbers, these issues are being corrected with help of BOPE. Nine new licenses have been processed for LBAs and three new LaBA licenses, from applications received by BOPE.

Mariana Acevedo stated five new applications have been received; three LBA and two LaBA. These applicants have been sent emails regarding missing documents and fingerprint instructions. Eight applications received from BOPE are pending, these applicants have also been notified of any missing documents. Fourteen LBAs and three LaBAs are pending

renewal, these have been sent a letter reminding them of their expired status, March 1st they will be sent a certified letter, stating their license has expired and they are not eligible for renewal. Currently 160 LBA licenses have been renewed until 2020 and 13 LaBAs.

Jennifer stated 137 emails have been received and responded to. Between Mariana and Jennifer there have been a total of 336 working hours, a total of 172 hours have been spent on Board activities/licensing. Processing of applications depends on how complete applications are when received, time is being cut by using email communication, instead of mailing a letter.

X. Determine Future Agenda Items (For Possible Action)

Matthew made a motion to add the following as future agenda items. Defining problematic applications, a process and a Board member who will review these applications. Status on temporary regulations and financial scenarios regarding the Board's funds. Discussion regarding Division vs. Board duties and a status regarding Division workload and man hours. Initial discussion/delegation regarding permanent regulations. A presentation from NABA regarding current legislation bills that might affect ABA. Christine seconds the motion. All in favor, motion passed.

XI. Determine Future Meeting Dates (For Possible Action)

Public hearing date will be set once the temporary regulations are received from LCB. The next Board meeting will be set for a date after the public hearing.

XII. Public Comment

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Ken MacAleese provided written public comment. Attachment B.

XII. Adjournment

Kerri adjourned the meeting.

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 Mariana Acevedo at (775) 684-5956 as soon as possible and at least one **business** day in advance of the meeting. If you wish, you may e-mail her at MAcevedo@adsd.nv.gov. Supporting materials for this meeting are available at 3416 Goni Road, D-132, Carson City, NV 89706, or by contacting Mariana Acevedo at 775-684-5956, or by email MAcevedo@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/>