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DEPARTMENT OF HEALTH AND HUMAN SERVICES  
AGING AND DISABILITY SERVICES  
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NOTICE OF PUBLIC HEARING  
NRS 437 IMPLEMENTATION

Meeting Minutes

Date and Time of Meeting: December 12, 2018 at 10:00 AM

Name of Organization: The State of Nevada, Department of Health and Human Services (DHHS), Aging and Disability Services Division (ADSD)

Place of Meeting: Aging and Disability Services Division  
1820 East Sahara, Suite 201  
Las Vegas, NV 89104

Aging and Disability Services Division  
9670 Gateway Drive  
Reno, NV 89521

Conference Line: 1-866-390-1828, Access Code 4894327

1. Welcome and Introductions

Jennifer Frischmann

2. Public Comment

Jeff Geisec a BCBA with the Learning Consultants in Reno, stated the following concerns. Concerns regarding the Emergency Regulations which have been adopted without the input of the Board. ADSD does not have the expertise in the field to pass these regulations, including applying the RBT fee and background check. Concerns as there is no cap in the fees ADSD can apply. These requirements decrease access to Nevada, instead of increasing access.

Ken MacAleese gave spoken public comment, which he also provided in writing (Attachment A).

Dr. Kerri Milyko spoke as an appointed member of the Board of Applied Behavior Analysis, she proposed the Board be utilized to void and rewrite the Emergency Regulations, or that the Emergency regulations do not become

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active until the Board is included in the creation of these.

3. Transition Plan from Board of Psychological Examiners to Aging and Disability Services Division.

Jennifer Frischmann stated the transition going on over the past year will be as seamless as possible. The Board of Psychological Examiners has sent out letters regarding license expiring on December 31<sup>st</sup>, she urged everyone to renew before then. Effective January 1, 2019 ADSD will be collecting fees. Although the board has been created, it is unknown how soon they will be able to meet, she is hoping they can meet in January. The Board will decide how often they will meet.

4. Update on FBI background check process.

Jennifer Frischmann gave an update on the FBI background checks. She stated ADSD had just been approved by the FBI for the background checks and is currently working with the Department of Public Safety to create an account. ADSD will not be providing fingerprint cards, as all fingerprinting will be done through Live Scan. She mentioned concerns within the community regarding RBT background checks, which will be addressed in the first board meeting. Jennifer asked if there were any questions this far.

Ken MacAleese asked what ADSD's next step was to contact the Board and schedule a meeting and if there had been a Deputy Attorney General assigned to the Board.

Jennifer mentioned ADSD had received contact information for the Board members the day before from the Governor's office. She stated the Board members would be contacted by ADSD to setup a meeting in accordance to Open Meeting Law. The Board will be working with two DAGs, there has not been one specifically appointed, and one will be present at the first Board meeting.

5. Update on Registered Behavioral Technician fee and temporary regulations.

Jennifer Frischmann stated emergency regulations had to be established, they have been signed by the governor and will be effective for 90 days, starting on January 1<sup>st</sup>. Most of the language was taken directly from the Board of Psychological Examiners. A small business impact study will be open by the end of December through early January for input on fees, etc. Any public comment or concerns can be sent to the email [ababoard@adsd.nv.gov](mailto:ababoard@adsd.nv.gov). She stated the Board will be asked for input during the creation of the temporary and permanent regulations.

6. Discussion on temporary licenses.

Jennifer Frischmann explained ADSD decided on temporary licenses as to not delay any new applicants during the transition period. Both the transfer from the current Board to ADSD and a new Governor could delay the ABA Board meetings and there might have been a gap for new applicants to receive licensing. Jennifer stated the licensing and registrations sections of ADSD are completely and deliberately separate from NEIS and ATAP. Jennifer opened the meeting to questions.

Ken MacAleese asked if it was possible that the emergency regulations could be overridden with new regulations backed by the field.

Jennifer explained there are three types of regulations. Emergency regulations, which have been signed by the Governor and can only be adopted once. Temporary regulations, on which ADSD will ask input from the Board and the field. Permanent regulations should be adopted in July, once the legislature is over.

Gwen a member of the public inquired about the RBT registration process.

Jennifer stated the application is ready and will be posted on ADSD's website by January 1<sup>st</sup>. Registrations are not expected to be done by January 1<sup>st</sup>, ADSD will be giving a grace period for RBT registrations.

A member of the public stated her concerns regarding inaccurate fingerprinting information on locations.

Jennifer stated individuals who needed fingerprints should use the approved list on the DPS website.

Christy Fuller asked if there would be a delay in RBT services if they were not registered by January 1<sup>st</sup>.

Jennifer stated the DAG had recommended 120 days as leniency for registration.

A member of the public asked if the \$70 fee was changed once the Board met, if there would be a possibility of reimbursement or credit to companies who had paid.

Jennifer stated there was no response for this at this moment.

7. Public Comment

Jeff Geisic stated ADSD needed to review and take steps for the potential impact the new state Certified Behavioral Interventionist might cause to businesses and insurance companies.

A member of the public commented on the fee structure for RBTs and how these will be a huge barrier for access. He would like these to be reviewed and potentially eliminated from ADSDs requirements.

Gwen commented the industry was given a year when CABIs had to be registered and she believed 90 days was not enough, especially when dealing with insurance companies.

Tina Walsh commented that extending the timeline for RBT registrations would also help spread out the cost to companies.

8. Adjournment

Jennifer Frischmann

Members of the public who require special accommodations or assistance at the workshops are required to notify Mariana Acevedo, in writing to Aging and Disability Services Division: 1391 S. Jones Blvd., Las Vegas, NV 89146, by email at [macevedo@adsd.nv.gov](mailto:macevedo@adsd.nv.gov) or by calling (775) 687-4210 at least five (5) working days prior to the date of the public workshop.

Agenda Posted at the Following Locations:

1. Aging and Disability Services Division Carson City, 3416 Goni Road, Ste. 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, 445 Apple Street, Suite 104, Reno, NV 89502
4. Aging and Disability Services Division, Elko Office, 1010 Ruby Vista Drive, Suite 104 Elko, NV 89801
5. State Legislative Building, 401 S. Carson Street, Suite 3138, Carson City, NV 89701
6. Grant Sawyer State Office Building, 555 E. Washington Ave., Suite 4401, Las Vegas, NV 89119
7. Department of Health and Human Services, 4126 Technology Way, Suite 100, Carson City 89706
8. NV State Library and Archives, 100 Stewart Street, Carson City
9. Desert Regional Center, 1391 South Jones Boulevard, Las Vegas, NV 89146
10. Sierra Regional Center, 605 South 21st Street, Reno, NV 89431
11. Rural Regional Center, 1665 Old Hot Springs Road, Carson City, NV 89706