



APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date of Posting: August 18, 2020
Date and Time of Meeting: August 25, 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 Teams. Members of the public will also participate via teleconference or Teams.

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Conference ID: 357 101 010#

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. 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.)

Laryna Lewis stated the ABA Board email had received three written public comments.

Laryna began to read a public comment for Amy Copenhaver. Please see attachment A for full public comment.

Laryna began reading a public comment from Matthew Lehman. Please see attachment B for full public comment.

Laryna began reading a public comment from Ken with Advanced Child Behavior Solutions. Please see attachment C for full public comment.

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

Dr. Fronapfel requested a motion to approve the previous meeting minutes from July 20, 2020. Dr. Milyko moved to approve the meeting minutes as is. Matt seconded the motion. All in favor, motion passed.

4. Presentation by Shane Isley on the Status of Board Members Job Descriptions and Possible Adoption of Developed Job Descriptions **(For Possible Action)**

Shane Isley gave a summary on where they are in the job description process. He then had a few questions for the board. Matt suggested to add the action of deliberation to the job description list. Christy gave a suggestion to add more cohesiveness due to the discussion, deliberation, teamwork, and participation that occurs.

Shane and the board began discussing the fiscal aspects. Jennifer Frischmann explained since the ABA Board falls under the Aging and Disability Services Division and because it is a state agency, it is their fiscal operations which takes over the budget. Jennifer recommended to loop in the Secretary Treasurer by having financial discussions so they understand it and when things come before the board, such as outreach or purchasing vendor services, the treasurer would be able to understand the budget and make a decision.

Shane explained he will send an email to Jennifer with next steps and instructions for the board members. Shane will also need to set up another individual meeting with the board members. Once those meetings are complete, he will attend the next board meeting to go over the progress with job descriptions.

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

Jennifer Frischmann began by stating that her and Dr. Fronapfel will need to leave this meeting around 12:30 pm to attend the Legislative Commission who will hopefully be adopting the regulations today. Jennifer also gave an update on the Certemy Software. She stated they signed the contract and Certemy has been in

contact with ADSD IT to set the groundwork and setting the workflows. Jennifer stated Laryna and her will have their work cut out for them when testing happens. Dr. Milyko offered her help.

Laryna Lewis gave the application status update beginning with pending applications. The pending numbers are as follows: 107 RBTs, 3 LaBAs, and 32 LBAs. Laryna also stated there are 2 LaBAs and 9 LBAs that hold a provisional license. The total numbers completed are as follows: 1,306 RBTs, 34 LaBAs, and 282 LBAs. In July there were 30 RBTs, and 5 LBAs completed. So far in August 29 RBTs, 1 LaBA, and 8 LBAs have been processed.

6. Discussion and Approval of the Renewal Process for Licenses and Registration Including Proration of Fees for Registered Behavior Technicians **(For Possible Action)**

Jennifer Frischmann gave some background regarding the renewal forms that were reviewed and need to be revisited. Jennifer stated with Certemy coming on board, there most likely will be a cross over with these forms. ADSD will be looking at accepting both electronic and paper versions for renewal.

Christy stated for efficiency that she does not think the board should spend much time on these forms. Christy would like to know how to go about the renewal process when using Certemy. Christy then explained edits she made for Laryna on the CEU log. Christy had created this to be aligned with the BACB and removed old language. Christy asked the board to decide which table they are more comfortable with. Dr. Milyko recommended to go with the table that provides more detail. Dr. Fronapfel agreed. Matt agreed and explained having more information rather than less would be better in this situation to help prevent confusion.

Christy discussed the public comment that came from Matthew Lehman. Christy stated that people may need more than 32 CEUs if the evidenced-based suicide prevention trainings are not credits that are approved by the BACB. Christy suggested to indicate if the suicide prevention is also a BACB approved ACE provider event. Dr. Fronapfel suggested to include a check box asking if it was an ACE provider so they may check yes, or no. Christy suggested, while keeping ADA compliance in mind, to add a box so they do not need to add another column to the CEU log.

Dr. Fronapfel requested a motion. Christy moved to accept the forms with the changes discussed which were to use the first table, adding a check box at the end for suicide prevention and awareness credits and incorporating the public comment they discussed. Matt seconded the motion. All in favor, motion passed.

Dr. Fronapfel moved on to discuss the proration of fees for RBTs. Christy affirmed her vote to accept the proration of RBT fees. Jennifer wanted to clarify if the board is voting on proration for the biennium or proration for renewal starting October 1st

of each renewal year. Christy clarified that her vote is toward the proration of RBT fees for renewal. Dr. Milyko and Matt agreed.

Dr. Milyko moved to prorate RBTs beginning October for renewals. Matt seconded the motion. All in favor, motion passed.

7. Review of Financial Status

Laryna Lewis gave an update on the financial status. She stated the current budget shown is \$204,405.00. Laryna explained this includes the work program to increase category 26 to pay for the first year of the Certemy software agreement. This does not include the FY20 closing information which will change beginning cash which is not reflected in this report and the Reserve category. Laryna also explained the report does not include a category 1 projection for the board meetings. The board had 20 meetings last fiscal year which resulted in needing to create a second work program which caused delay. Laryna explained fiscal has been busy with the budget prep so this is what we have from them for today.

Dr. Milyko asked for clarification on what a work program is. Jennifer Frischmann answered Dr. Milyko and explained they have the cash on hand to cover expenses however they do not have the authority which is why they have a work program and will need to go before the Interim Finance Committee to receive the authority for the particular category. Jennifer also clarified on the report that they had gone over the projected number of meetings so the board members will see a shortfall for the personnel costs which covers the board's salary. Jennifer is hopeful to put this report into a more workable format for next meeting. Jennifer will reach out to Christy to set up a meeting with fiscal so that she has a good understanding of what the fiscal process is. Christy stated she would love this.

8. Discussion and Possible Approval of Reinstatement for Behavior Analyst Grace Gayles (For Possible Action)

Jennifer summarized the reason for Grace Gayles' reinstatement which must be decided by the board.

Grace Gayles gave her statement regarding her license reinstatement to the board. Matt asked if there were any disciplinary actions the board should know about. Ms. Gayles responded by stating no.

Julie explained the statute to the board regarding the reinstatement process. Dr. Milyko asked when the background results were completed. Laryna stated she could not find the results within Ms. Gayles file which was transferred over from the Board of Psych. Laryna stated that it looks as though Ms. Gayles will need to recomplete her background check. Dr. Milyko explained this documentation is required to have on file. Christy stated, as part in protecting the consumers, this would be an important piece to reinstate the license.

Ms. Gayles had questions regarding how to quickly process this background check and if it were possible to access the previous check done. Christy explained the board would first need to vote to reinstate her license. At this point, if the board agreed to reinstate the license, the board would then ask Laryna to provide the fingerprinting instructions via email to Ms. Gayles. Julie clarified these background results and license fee would need to be received in order for the license to be reinstated. Julie also explained the board can vote to reinstate pending the results of the background check.

Laryna explained to Ms. Gayles that they will need a signed fingerprint waiver before the fingerprinting instructions can be given. She stated this waiver can be found on the website or this form can be emailed to her.

Christy requested a motion. Dr. Milyko moved to reinstate Grace Gayles' license pending a successful background check. Matt seconded the motion. All in favor, motion passed.

Christy asked Ms. Gayles if she needed additional clarification regarding this process. Ms. Gayles recounted the discussion to ensure she understood the process. Laryna clarified the fingerprint process in order for Ms. Gayles to complete her fingerprints via livescan.

9. Presentation by Nevada Medicaid to Provide Policy Updates on the Practice of Applied Behavior Analysis and Using Tele-Health for Registered Behavior Technician Services

Laryna Lewis read the statement provided by Lori who is with Medicaid. Lori was unable to attend this meeting. Please see attachment D for this statement.

Jennifer stated she will reach out to Nevada Medicaid to have these numbers posted separately since the board does not always have the most updated information. She would hate to have individuals look at what was posted on the ABA Board site and show inaccurate numbers.

Christy wanted to clarify if an individual would want to contact Nevada Medicaid, they can do so by going to their website to access this information as well. Laryna confirmed anyone can view this by going to [Medicaid.nv.gov](https://www.Medicaid.nv.gov).

Dr. Milyko suggested to have these Medicaid numbers show utilization as opposed to the number of providers. Jennifer explained to Dr. Milyko's point, the individuals enrolled in Medicaid are not necessarily accepting new Medicaid patients and may only have their existing clientele and that is their focus, or they might be accepting new clients. The Commission on Autism Spectrum Disorders has requested this information as well regarding the utilization, how many individuals are receiving under fee for service, and how many are receiving under managed care. Jennifer

will be happy to share this and possibly get updated numbers for the next board meeting. Jennifer also noted that they have registered over 1300 RBTs and only 759 RBTs are enrolled with Medicaid which shows about a fifty-fifty split of who is accepting Medicaid and who is not. Jennifer stated it will be interesting to see what happens with the implementation of the 6% budget cuts to see if it drops and what the utilization looks like.

Dr. Milyko asked if there were reports on how many individuals are providing telehealth services. Per Jennifer's conversations with Medicaid and to her understanding, at this point, there is no way to break out the number of visits that was done by telehealth simply because they use the same billing code and there is not a modifier for telehealth. Jennifer recommended to have the board members submit their questions and she will ensure that their questions will get answered at the next meeting.

Christy does not believe this agenda item is relevant to their meetings. It is about the practice in this state. Christy wonders if they should have monthly updates and maybe instead have quarterly updates from Medicaid. She worries they are being narrow in the scope of their discussion as far as Medicaid numbers in the state.

Dr. Milyko stated that she would like to ask Medicaid about utilization, reimbursement rate change, and telehealth utilization. She would like to know the following question: What are the effects of access due to the rate change and the acceptance of telehealth? Dr. Milyko would also like to talk to Medicaid regarding the details in how they are planning ABA therapy in schools with respect to details around implementation.

10. **Review, Discussion, and Possible Approval of Bylaws and Mission Statement (For Possible Action)**

This agenda item was tabled.

11. **Determine Future Agenda Items (For Possible Action)**

Rachel suggested to put issues regarding the public as priority on the agenda before they get into board business. The board members agreed.

Christy asked if they could receive some notice and background as well as pieces of statute or regulation to prepare prior to the meeting to be more efficient when things like a reinstatement comes up.

Dr. Milyko motioned to keep the standing agenda items, with exception to the bylaws and mission statement, meeting with Shane Isley to review progress on job descriptions, and Medicaid with respect to telehealth utilization given the rate cuts and ABA in schools. Matt seconded the motion. All in favor, motion passed.

12. 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.)

Gwen Dwiggins gave a public comment. She stated as she was going over the new forms, all of their checks will be \$25 richer. She asked if they could somehow put either on the application in the rules very bold as a reminder to the RBTs. She would guess about fifty percent of her RBTs do not have their original certificates. She asks for something on the front end for RBTs and businesses to remember that. She continued by saying she owns that she forgot this so she will be sending an email to all her RBTs asking who still has their original. She stated normally she is always pro fees because she understands how much it costs to run the board, but when she saw this it hurt her heart a little. She also stated it may be a good reminder for LBAs and LaBAs as she can bet some of them do not have their original ones and the seal does need to be on the original.

George Addison gave a public comment. He stated he recently worked as an RBT from March until August. He worked with an agency but resigned from that agency. He wanted to know if he is tethered specifically to the agency as an RBT and wanted to understand how this worked. Christy explained to Mr. Addison that public comment is not question and then answer. She stated that he can submit the question through email. Christy did explain that if he is still an RBT, there is a process through the BACB and then through the State of Nevada. He will just need a supervisor to practice. Christy stated likely the BACB can answer his question in more detail. Christy ensured his participation during public comment was appreciated.

13. Adjournment

Christy adjourned the meeting at 1:14 pm.

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 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. 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.

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:

<http://adsd.nv.gov/Boards/ABA/ABA/>

<https://notice.nv.gov/>