



APPLIED BEHAVIOR ANALYSIS BOARD DRAFT MEETING MINUTES

Date of Posting: November 9, 2020

Date and Time of Meeting: November 16, 2020 1:00 PM

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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Phone Conference ID: 701 272 664#

In certain situations, the option exists to declare the meeting on that agenda item to be a Closed (Executive) Session per NRS 241.030.

All times are approximate. The Board reserves the right to take items in a different order, items may be combined for consideration by the Public Body and items may be pulled or removed at any time to accomplish business in the most efficient manner.

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.)

No public comment.

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

Rachel Gwin asked to change a grammatical error on page three of the previous meeting minutes.

Dr. Fronapfel requested to update changes to item 3, paragraph 2, to state that it was a public comment as well as paragraph 3 to change forum to from. In item 4 paragraph 4, Dr. Fronapfel requested to change RBT certification to licensure and to add Jennifer's comment regarding it being a gross misdemeanor to practice without a license. Dr. Fronapfel also asked for Laryna to do a search for "Julies", when it should say Julie. There is also a place where it states Christy's and there was no apostrophe on page 8 item 5.

Dr. Milyko moved to accept the meeting minutes from October 29th, 2020 with those grammatical changes including the gross misdemeanor comment. Matt seconded the motion. All in favor, motion passed.

4. Status of Board Members Job Descriptions and Possible Revisions to Developed Job Descriptions **(For Possible Action)**

Dr. Fronapfel began this agenda by ensuring the board members received the copy of their job descriptions and explained Shane was there to answer any questions the board members may have and proceeded to follow in the order of the file documents.

Rachel Gwin believes the job descriptions should have the same requirements as the public board member. In the public board member summary, it has an additional sentence which states, "The public board member is expected to actively participate in board meetings, share his or her viewpoints and opinions, and contribute to the board's deliberations and decisions." She believes nonpublic board members are supposed to do the same things. Dr. Fronapfel saw head nods in agreement with Rachel. Rachel would also like to include to state public board members are not licensed. Dr. Milyko also suggested to add that they offer a unique perspective.

Dr. Milyko stated her suggestions are not necessarily for Shane to do since he gave everyone an editable document. However, she would like to include an adjective in the position summary and to change citation to disciplinary action to be in alignment with the NRS verbiage.

Christy stated that she believes the job descriptions were very thorough and a great start. Since they are a new board, should there be a need to make any changes to these descriptions, they can do so, as they are not written in stone. Dr. Fronapfel thanked Shane for his very detailed work.

Dr. Milyko saw a few blank areas in the Executive Assistant's description. She recommends leaving those areas open ended until the board becomes more established. Dr. Milyko also recommended this for the Executive Director's description.

Christy noticed that there are some things that are still in the to-be-determined stage. As the Secretary/Treasurer position develops, these descriptions can be updated.

Dr. Milyko moved to accept the job descriptions with the following changes: Adding the sentence to all the board members descriptions, changing citation to disciplinary action, and including that the public member is not licensed. Christy seconded the motion. All in favor, motion passed.

5. Discussion and Possible Approval of Renewals and Approving CEU logs. (For Possible Action)

Laryna explained she had asked for this agenda to ensure the Division is processing the CEU logs appropriately for renewal.

Jennifer explained that the previous board would just accept the CEUs at face value and later, perform an audit. Dr. Milyko stated that she believes this is what they discussed before. When they are audited, they will then need to submit their proof.

Dr. Fronapfel stated when they undergo the audit, the board members will assist in this process.

Christy stated she is happy to have a meeting with Laryna to go over the CEU guidelines and explained some of the CEU requirements for LBAs and LaBAs which must be accrued between the years 2019 through 2020. Christy also explained that if they do not complete the Evidence-Based Suicide Prevention and Awareness course through an ACE provider, then they will need to submit a total of 34 CEUs. If it was completed by an ACE provider, they only need to submit 32 CEUs.

Christy suggested to assign a board member in case she does have a question when processing CEUs. Dr. Fronapfel also wanted to decide who would be part of the audit process.

Dr. Milyko nominated Christy to be the on call for CEU processing questions and to assist in the audit process. Christy accepted the nomination. All in favor, motion passed.

6. Discussion, Update, and Possible Approval of In and Out-Of-State Applicants Seeking Waiver of Licensure/Registration Requirements in Nevada Under Governor's Declaration of Emergency, Directive 011 Including Submission of Fees and Renewal Process for Individuals Currently Licensed/Registered within Nevada **(For Possible Action)**

Dr. Fronapfel asked if Jennifer had an update. Jennifer stated Laryna may have an update as far as the numbers. They would like to keep this agenda item on the table in case issues come up. Laryna stated they do not have anything that they need to decide on. They currently have one LBA utilizing the Directive to practice without a license. There have been a couple of signed waivers they received, but they have not sent in the additional required information to proceed. There was one RBT who wanted to know what the deferral of fees meant. There were no further updates.

Jennifer wanted to reiterate for the renewal process that if the fees are not paid, they will not receive their renewal sticker. Medicaid will not accept the license without the renewal sticker and most likely commercial insurances will not accept it either. ADSD is in constant contact with Medicaid to provide renewal updates each week.

Christy clarified Jennifer's statement by explaining if they choose to not pay their fees, it does not impact the ability to legally practice in the state as long as all other information is submitted. However, they cannot control third party reimbursements. Therefore, not paying your fees may impact the ability to be reimbursed for services.

Laryna also wanted to explain that they have not received any notifications that any pending RBTs are practicing. If they are or plan to be, they must notify the Division. Dr. Fronapfel asked the community to follow the guidelines that were sent out via the listserv, which has also been posted on the ADSD website, for any questions regarding this Directive.

7. Presentation and Discussion of Legislative Updates by Nevada Association for Behavior Analysis

Wade Brown, the president-elect of the Nevada Association for Behavior Analysis (NABA), gave his presentation. Please read the full statement in Attachment A.

Dr. Milyko thanked NABA for their involvement and recognizing a concern that the ABA board has, as well as providing their support.

Dr. Fronapfel thanked NABA as well for not only having their eyes on items specific to the board's NRS and policies, but for ABA as a whole in the state. She believes there are some things on the table for the legislative session coming up and they appreciate their support with that too.

8. Discussion and Possible Approval of a Process to Introduce Statute Changes to Nevada Revised Statute Chapter 437 **(For Possible Action)**

Jennifer Frischmann began this item by explaining that there are some things that need to be changed in the Nevada Revised Statute (NRS) Chapter 437. The board may want to decide on a spokesperson and who will carry the bill. Typically, NABA reaches out to legislature. Jennifer also suggested to the board that they may want to designate a point of contact. Jennifer also questioned if NABA is still willing to reach out to Senator Gansert to get some of the language changed.

Dr. Fronapfel stated that it is wonderful to have NABA's support and would also like to have another board member involved as well to represent their perspective. Dr. Milyko agreed and recommended to choose a board member that is familiar with the legal process and believes Dr. Fronapfel would be ideal, given her history, to be in this role since she was part of the Public Policy Committee before her appointment to the board. Christy recommended to choose a board member in the northern region so that location will not be a barrier during this process and agreed with Dr. Milyko to nominate Dr. Fronapfel. Matt agreed to have someone in the north and believes it would be incredibly beneficial to elect Dr. Fronapfel. Rachel agreed with the other board members.

Dr. Milyko moved to appoint Dr. Fronapfel to represent the board with language changes around NRS Chapter 437. Matt seconded the motion. All in favor, motion passed.

9. Discussion and Possible Approval of a Board of Applied Behavior Analysis Letterhead **(For Possible Action)**

Jennifer gave some background for this agenda item stating that recently Rachel gave the board a great new logo. Currently, everything is put onto the ADSD letter head. Since the board has adopted a logo, they have the option to create a letterhead for when there are statements coming directly from the board. Dr. Fronapfel stated it will help clarify where the message is coming from. Dr. Milyko also stated it will help differentiate the messages.

Christy asked if they are looking to recruit Rachel's services. Rachel said this is something she will help with. Jennifer will send examples over to Rachel of what the Commission on Autism has as a reference.

Christy moved to create an ABA Board letterhead with the help of Rachel's expertise using the logo Rachel created. Dr. Milyko seconded the motion. All in favor, motion passed.

10. Discussion of Current Status of Applications and other ADSD Activities Pertaining to Applied Behavior Analysis

Laryna Lewis gave the application status update beginning with currently licensed and registered. The total numbers completed are as follows: 1,430 RBTs, 36 LaBAs, and 301 LBAs. The pending numbers are as follows: 141 RBTs, 1 LaBA, and 37 LBAs. Laryna also stated there is 1 LaBA and 4 LBAs that hold a provisional license. There is one LBA pending that is practicing under the Directive. In October, there were 39 RBTs and 11 LBAs completed. So far in November, 37 RBTs and 2 LBAs have been processed. Jennifer asked Laryna if she had the numbers for how many have renewed. Laryna stated there are 97 RBTs, 1 LaBA, and 7 LBAs who have completed their renewals.

Dr. Fronapfel asked everyone to get their renewals in. Jennifer explained they are running out of time and to please get their renewals in. They are trying to get their online system going as soon as possible and will be migrating the information very soon. This new online process will hopefully go live on December 4th. However, Jennifer would not bank on that date as there could be technical issues. They also do not yet have the permission from the State Treasurer's office to accept online payments which will be phase 2. Jennifer stated the board picked a great vendor. She has never seen a system start from September to being up and running by December. Although it is not within the timeframe they were hoping, this system will be great in the long run. If everyone is going to wait until December 26th, they will not have the bandwidth to do it. Dr. Fronapfel gave credit to Dr. Milyko for finding Certemy at FARB.

Christy asked if the 97 RBTs that renewed includes the newly completed applications. Laryna stated that number does not include the newly completed RBT applications. There were 7 RBT applications in addition to the 97 RBT number that have received the new seal sticker.

Dr. Milyko stated they will not be able to bank on Certemy to complete their applications online. Jennifer stated to also not bank on receiving your renewal sticker if you send in your renewal application in on December 26th. Jennifer explained there is a mail delay. Just looking at Carson to Dayton, there is a 7-to-10-day delivery delay. That is not because their office is closed, as their front desk is in the office processing mail every day. Dr. Milyko recommended to drop off their renewal applications at the Carson City location if they are coming down to the wire instead of mailing it if possible.

Dr. Fronapfel reiterated to the public that if they get their application in even by December 20th, do not expect that sticker to turnaround and come right back to you. You will need to be patient with that and to remember it is also the holidays. In terms

of professionalism and professional behavior, Dr. Fronapfel explained that this is where you pick it up. If you want your sticker before January 1st, get your paperwork in now.

Laryna explained that she has received emails asking if ADSD has received their renewals because they have not heard or received anything. She does ask for their patience because they are going to be processing quite a bit of people at one time. They are trying to get everything out as quickly as possible, but there is going to be a delay. If you get your applications in now, you will receive your sticker before it expires.

Christy stated to the practitioners that if their renewals are complete, they can continue to practice even without the sticker. However, it may impact the ability to receive timely payments from third party payers. If they are looking for timely payment, the idea would be to get it in now. Christy also explained if they begin to send emails asking what is going on with their renewal, Laryna must stop and respond to these emails which then impacts being able to process more renewals. Christy continued to explain that while it is ok to ask questions, please know it slows down the processing. Christy recommended to send their application through certified mail or use tracking, so they know it was received by ADSD.

Laryna proceeded to provide another Certemy update. Certemy recently sent in self enrollment links for new applicants which will be posted on the website. Laryna believes once these links are posted, they should be able to begin completing new applications online. Dr. Fronapfel asked Laryna if she could send an email blast regarding this information. Laryna confirmed this information will be sent via listserv.

11. **Review of Financial Status with Discussion and Possible Approval of Spending Board Funds for Temporary Staff and other Potential Expenditures (For Possible Action)**

Christy gave the financial status update. There is currently \$171,400. When reviewing the revenue they have pulled in within the current fiscal year, \$34,284 was gained. Their total expenses are nearly \$29,000.

Dr. Milyko asked if they have projections on the operating cost amounts for the fancy paper and stickers per renewal cycle. Christy stated because they are on a biennium, it is hard to receive consistent projections each year since every even year, theoretically, they will have more revenue from renewals. They do not yet have the data. Dr. Milyko asked Christy if they could break it down to a cost per unit so they can calculate and project cost. Jennifer stated they have the cost. As far as ordering it, in the beginning they did not know how much supply was needed. With this renewal cycle, they will also learn more. They have all the costs and will send it over to Christy. Dr. Milyko stated ordering supplies is not so much of her concern but rather just understanding their costs which will help them estimate their fees as they grow to make sure the fee amounts are appropriate and to see if it is a

sustainable model. Christy liked Dr. Milyko's ideas and recommended to hold off to have this done once renewals are complete and allow Laryna to catch her breath.

Christy explained to the board members that Dr. Milyko had generated an Excel spreadsheet to plug in numbers each month. Christy took this and changed some of the formula numbers depending on proration for 2019. She will go back and fill in data for the Secretary Treasure in 2021 and 2022 so it is easy to plug in the numbers to see how many were processed and to have a quick look at the revenue. They will also be able to see some patterns. Christy also wanted to remind the board that they are not just able to go ahead and spend money, they must submit for approval since the state controls the budget. If they are looking at attending the FARB conference, they can pay for this out of operating. Christy stated the registration is \$475 per person.

Jennifer explained she had reached out to Christy with a brief spreadsheet for start up cost to hire temporary staff. It is roughly \$2,800 to start one temporary staff member. This includes IT costs for licensing and security. They would also need to go through a temporary agency which has an administrative fee. If someone recommends another to the temp agency, the admin fee is around 24%. If the agency has to find someone on their own, the admin fee is around 33%. Jennifer calculated the pay to be equivalent to an Administrative Assistant II, step 1, which is about \$17 an hour. The ongoing monthly fees would be about \$1,700 and up to 24 hours a week. Jennifer wanted to ensure Christy, as the Secretary of Treasure, was aware of these costs. Christy shared some of her concerns with hiring temporary staff since Certemy was supposed to help with these costs. Dr. Milyko shared similar concerns with Christy.

The board members proceeded to discuss who would attend the next FARB conference. Christy made a motion to have up to five board members and one ADSD staff member to attend. Rachel seconded the motion. All in favor, motion passed.

Dr. Fronapfel explained to Christy that there are a stack of trainings happening through the Counsel of Licensure, Enforcement and Regulation (CLEAR), and one of those trainings are for the National Certified Investigator and Inspector training that someone can go through. Dr. Fronapfel looked into the next available dates and found the soonest someone could enroll is in March. She asked Christy if this is something she could look into to see if it is relevant and beneficial. Christy agreed and asked if more information could be shared to her. Jennifer has this information and will forward it over to Christy.

12. Determine Future Agenda Items (For Possible Action)

Dr. Milyko suggested to add Bylaws and to begin the discussion of board operating policies.

Christy suggested to add mission and values, a discussion on FARB and to approve Rachel's letterhead.

Jennifer asked Dr. Fronapfel if she still wants to keep the Directive 011 on the agenda. Dr. Fronapfel believes this should remain a standing item until it is pulled and maybe even 60 days after it is pulled so they can keep their eyes on it. Dr. Fronapfel would also like to keep NABA as a standing item as well.

Christy motioned to approve all of their standing agenda items including the Directive 011 and NABA. In addition, to add Bylaws, mission statement, values, discussion of FARB, possible approval of letterhead, and policies. Rachel seconded the motion. All in favor, motion passed.

Jennifer stated their next meeting was decided for December 16th at 1:00 PM.

13. 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.)

Melissa Cote gave a public comment. Ms. Cote asked if someone tracked all of the numbers pending in renewals. She stated please and thank you. Jennifer explained this will be posted in the meeting minutes so she will be able to see that.

Deborah Meinberg gave a public comment. Ms. Meinberg stated she knows they may not receive a sticker if they defer their fees but asked if their new expirations will still be updated on the board website.

Veronica Smith gave a public comment. Ms. Smith asked for the board to give more direction on exactly what they are looking for regarding the Declaration such as if an RBT certified with the BACB is going to be working, Ms. Smith asked if there is a particular letterhead or form that needs to be completed just to let the board know these are pending Nevada board applications. Ms. Smith ended your comment by asking the board if they could get more direction that would be great, thank you.

14. Adjournment

Dr. Fronapfel adjourned the meeting at 2:39 PM.

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/>