

Steve Sisolak
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGING AND DISABILITY SERVICES DIVISION
Helping people. It's who we are and what we do.



Dena Schmidt
Administrator

APPLIED BEHAVIOR ANALYSIS BOARD MEETING MINUTES

Date of Posting: June 1, 2021

Date and Time of Meeting: July 14, 2021, 10:00 AM

Name of Organization: The Board of Applied Behavior Analysis

Place of Meeting: Aging and Disability Services Division
3416 Goni Road, Building D Suite 132 Carson
City, NV 89403
Or Virtually

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 775-321-6111,,701272664#](tel:+17753216111701272664) United States, Reno

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

Jennifer Frischmann verified posting. The following board members were present: Dr. Brigid

Fronapfel, Christy Fuller, Rachel Gwin, Dr. Patrick Leytham, and Courtney LoMonaco. 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)**

Dr. Brigid Fronapfel asked the board members if they had any edits/modifications to the previous meeting minutes. Regarding agenda item 4, Dr. Fronapfel asked for the first statement of the first sentence to be removed which would then read, "Dr. Fronapfel provided the updates to this agenda item." No other edits were suggested. Dr. Fronapfel requested a motion. Christy moved to approve the meeting minutes from June 9th with modifications discussed on agenda item four. Rachel seconded the motion. All in favor, motion passed.

4. **Review, Discussion, and Possible Approval of Board Activities Necessary to Implement SB Including Spending Board Funds (For Possible Action)**

- **SB217**- AN ACT relating to applied behavior analysis; transferring responsibilities concerning licensing and regulation of the practice of applied behavior analysis from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; making provisions governing providers of health care applicable to behavior analysts, assistant behavior analysts and registered behavior technicians; authorizing the Board to contract with certain entities to carry out duties relating to regulating the practice of applied behavior analysis; requiring members of the Board to complete orientation; revising the activities that constitute the practice of applied behavior analysis; revising requirements concerning the supervision of assistant behavior analysts and registered behavior technicians; exempting certain persons from provisions governing the practice of applied behavior analysis; revising the membership of the Board; establishing requirements for the ethical practice of applied behavior analysis; revising provisions governing licensure by endorsement and disciplinary actions; and providing other matters properly relating thereto.

Dr. Fronapfel referred to a previous list compiled in previous meetings that list the tasks needed to complete for smooth implementation of the Board's transition. Christy asked if this agenda item, as written, was only related financial status and board funds. Jennifer stated that this related to all activities including financial activities. Rachel gave an update on Board documents and forms; she asked for the new location's address to finish revising the forms. A discussion regarding the new licenses occurred. The Board suggested revising the placement of the logo, state seal, expiration date, and adding signatures to the document.

Dr. Fronapfel shared information about the lease at the new office space. A phone can be hooked up once the lease is signed.

Dr. Patrick Leytham discussed the financial statement. He shared information from Kirk. Due to the fiscal year ending and the time it takes to reallocate funds and update budgets, Kirk indicated that the next financial statement provided to the Board will be in September. Money will be moved from the Board's reserve account to the general fund to pay for the Certemy invoice if it was

received prior to the Board's transfer. Dr. Leytham said that once a bank account is established that he will complete the paperwork for the Board to become a vendor with the state. From there Board funds can be electronically transferred into the new account. Christy asked to hear more about the vendor process, including if any fees were associated with the process or transfer and how long the process would take. Jennifer Frischmann clarified that there would be no fees and that the process would take 10 days once the paperwork was approved. Christy asked if there was a ballpark figure that Dr. Leytham had for transfer of funds and asked if the state was charging a percentage of money as a fee for transfer? Dr. Leytham estimated that he will transfer over \$430,000 to leave approximately \$15,000 behind to cover the cost of any outstanding invoices. Jennifer explained the legislative budget process and why money was transferred into reserves; she clarified that the money is still in the Board's bank accounts and belongs to the board. Jennifer recommended that the Board agree to an electronic transfer, as it is the safest way to move large sums of money. She also clarified that the fingerprint applicants who are the ones responsible for paying for their background checks and that no additional invoices are sent to the Board from DPS. A portion of the money paid by the applicant goes to the fingerprint site and the rest to DPS and the FBI. If the board wants to change that then it is an option also. It is not anticipated that there will be outstanding costs from the Board. Dr. Leytham asked if the Board would like a projection for the financial budget just prior to becoming independent? Rachel suggests asking the fiscal department to prepare something for the Board as a reference.

Dr. Leytham indicated that he contacted a few financial institutions, but they did not give him the information he requested or none of them called him back. However, he recommended Heritage Bank as they seem to be able meet the Board's needs. Dr. Leytham made a motion to use Heritage Bank. Rachel seconded the motion. All in favor, motion passed. Drs. Fronapfel and Leytham will work together to establish an account.

Julie Slabaugh shared information about a Deputy Attorney General for the board. Ms. Slabaugh indicated that the new DAG will be used through the, and that the board will need to decide how they wish to pay for the DAG (i.e., retainer, hourly fee). Jennifer can help schedule a meeting with Julie, Dr. Leytham, and the new DAG to discuss options.

Next, changes to Certemy were discussed. Christy indicated that she is working to understand the system and application process. Next, she will reach out to Certemy to discuss changes to the system. Kelly is continuing to approve licenses and registrations. An email from ADSD on behalf of the Board went out to discuss upcoming changes to the fingerprinting process and that information is posted on the website.

Dr. Fronapfel shared information with the Board members about the potential new office space. She indicated that an invoice won't be sent until late July, after Loretta has the cost allocation completed. To help facilitate the move, Loretta has offered to help and indicated that phone services can be used at no additional cost to the Board. She recommends purchasing a signage for the front of the building, estimating the cost to be approximately \$100 and can be billed upon completion. Christy made a motion to allow Dr. Fronapfel to sign the lease for the Northwest Reno office space and to allow the items and activities discussed as necessary to make it a functional office space for the Board as deemed by Loretta to move forward. Rachel seconded the motion. All in favor, motion passed.

No updates were provided on the website as Dr. Leytham suggested waiting until a bank is selected.

More discussion occurred regarding the Board's banking. Dr. Leytham noted that Heritage Bank does not have branches in Southern Nevada. The Board discussed that this is likely to not be a problem as the Executive Director will be making deposits in the North. Dr. Fronapfel indicated that she will do more research and check in with Heritage Bank to ensure they can do online deposits.

Christy talked about the possible need to establish a website sooner than later to ensure the Board is able to secure a website address; additionally, she noted concerns about the length of time it will take to build a professional and user-friendly website. Dr. Leytham said that he would like to accept electronic payments through the website, and that once the bank account is established, the website can be built. Dr. Leytham suggested a quick meeting to discuss website and banking on July 29th. Dr. Fronapfel stated she needed meeting minutes to open up the bank account. Christy suggested using a professional web designer to set up a website and then the board managing the site with simple updates. Dr. Leytham said that he thinks that the web hosts and domains will help with the web design and manage the site. Christy also added an additional reason to push the website to avoid holding up practitioner's ability to practice in our state. Jennifer stated that the ABA Board website on ADSD will stay up after October 1 and that ADSD will be able to direct people to the new Board's website. Board members agreed to meet on July 29, 2021, at 10:00 am to discuss and potentially vote on the website design.

The Board decided to hold off on ordering to computer equipment until financials are set and an executive director is hired. Dr. Fronapfel said that Loretta suggests hiring an accountant and she gave the Board a recommendation for someone who is familiar with the Board's structure, her name is Carol Woods.

The Board then discussed files, filing cabinets, and file scanning related to the move. No files will be scanned prior to moving, and the ABA Board materials including file cabinets, printer, paper for licenses, and miscellaneous office supplies belonging to the Board need to be moved from Carson to Reno prior to October 1st. Loretta has a storage unit that can accommodate extra files, so the Board will need to look at compliant storage options for sensitive information. Jennifer stated that she is willing to work with the board of moving their items and that transporting protected information is okay to move because all file cabinets are locked. Rachel volunteered to look up moving companies for discussion in future meetings. Dr. Fronapfel will discuss storage options with Loretta, and Jennifer will give her the dimensions of the file cabinets.

5. Discussion and Possible Approval of Investigation

This was an erroneous agenda item and was not discussed.

6. Review, Discussion and Possible Approval of Executive Director Job Description, Salary, Hiring Process, and Interview Committee (For Possible Action)

Dr. Fronapfel stated that we do have a hiring committee and there are a few recommendations from Loretta as far as screening the applications. One recommendation was to have the committee screen the applicants, and then have the top applicants and present to the board in a closed meeting. Jennifer stated that when the application window closes on July 16th, she will send from screening questions to them to complete prior to the interview. From there, the interview committee will conduct virtual interviews (in person is an option if an applicant chooses this). Jennifer restated that the committee will contact applicants on the 19th, schedule interviews for the 21st and 23rd, and then the committee can make their selections and invite the top applicants to the board meeting on the 29th. Christy moved that the interview committee selects 3-5 candidates and those

candidates come to the next board meeting and present to the Board. Rachel seconded the motion. All in Favor, motion passed.

Discussed accountant and Loretta uses Carol Woods who requires a formal contract. Any contract over \$2,000 must go to the State Board of Examiners. Loretta can help with any contracts per Dr. Fronapfel. Motion made by Christy to explore asking Carol Woods to be the Board accountant. Rachel seconded the motion. All in favor, motion passed.

The draft licenses and registration documents were presented on discussed. The board considered digital versus paper licenses sent to licensees and that an option to receive a paper license via snail mail may be made available to LBAs, LaBAs, and RBTs. It was recommended that the state seal should be on the document and that the Board should consider if the license has the expiration date on it or if a sticker with the state logo and expiration will be sent. An analysis of cost would be necessary to ensure that the cost to print and mail licenses and stickers would be feasible for the Board, as any changes to fees would necessitate revisions to the NAC. For the licenses presented, Dr. Leytham likes license option # 3 with the option for the sticker renewal.

Courtney made a motion to use license option #3 with edits to the state seal, sticker placement, and Board signatures discussed. Christy seconded. All in favor, motion passed.

Jennifer stated that the ED will need an hourly rate to start with manpower and will need to be decided on July 29, 2021

7. Discussion of Current Status of Applications and other ADSD Activities Pertaining to Applied Behavior Analysis (For Possible Action)

Jennifer provided the application status. In June, 7 LBAs, 1 LaBA and 49 RBTs applied. Currently here are 347 LBAs, 29 LaBAs, and 1,345 RBTs. Thus far two LB's and 14 RBTs have applied in July. Kelly continues to send out fingerprint waivers and things appear to be moving along smoothly. DPS fingerprint turnover is a smaller window from earlier in the pandemic. Executive order Directive 011 status was discussed: those practicing under the directive can still practice as long as the directive is active and that 60 days from the date that the directive ends all payment and fingerprint results must be received by the Board for approval to practice.

8. Determine Future Agenda Items (For Possible Action)

Website

Bank

Movers

Executive Director candidates and hourly wage.

Julie S. states that the ED's salary will be public record. Julie said it may go against open meeting law. Julie will investigate the law and there shouldn't be a closed session. Will bring it up on July 29, 2021.

Christy stated that we may want to let the candidates know that they will be presenting at the board and that the public will be in attendance.

Christy moved to keep all their standing agenda items, including those related to SB217 on the agenda for their next August meeting. The motion was seconded. All in favor, motion passed.

9. 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.)

No public comment.

10. Adjournment

Dr. Fronapfel adjourned the meeting at 12:54 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 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

Agenda and supporting materials posted online on the following sites:

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