

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  
Administrat  
or

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### APPLIED BEHAVIOR ANALYSIS BOARD MEETING

Date of Posting: May 4, 2021

Date and Time of Meeting: May 10, 2021 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.**

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 775-321-6111,,701272664#](#) 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

## 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.)

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

## 4. Presentation and Discussion of Legislative Updates and Bills by the Nevada Association for Behavior Analysis

- **SB96-** AN ACT relating to disability services; requiring the Department of Health and Human Services to seek an increase to certain reimbursement rates under the Medicaid program and the Autism Treatment Assistance Program for a registered behavior technician; and providing other matters properly relating thereto.
- **SB208-** AN ACT relating to behavioral health; authorizing certain additional persons to receive services from the Autism Treatment Assistance Program; revising provisions concerning the issuance of a license or certificate by endorsement to engage in certain behavioral health professions; providing for the issuance of a provisional license or certificate to engage in such professions to an applicant for a license or certificate by endorsement under certain circumstances; and providing other matters properly relating thereto.
- **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.
- **AB327-** Existing law requires behavior analysts, physicians, physician assistants, nurses, psychologists, marriage and family therapists, clinical professional counselors, social workers, clinical alcohol and drug counselors, alcohol and drug counselors and problem gambling counselors to complete certain continuing education as a condition to the renewal of a license or certificate. (NRS 437.225, 630.253, 632.343, 633.471, 641.220, 641A.260, 641B.280, 641C.450) Existing law requires certain facilities that provide health care to conduct training relating to cultural competency for any agent or employee of such a facility who provides care to a patient or resident of the facility. (NRS 449.103) Sections 1-7.5 of this bill require a psychiatrist, physician assistant practicing under the supervision of a psychiatrist, nurse,

marriage and family therapist, clinical professional counselor, social worker, clinical alcohol and drug counselor, alcohol and drug counselor, problem gambling counselor or behavior analyst to complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion as part of that continuing education. Sections 1-7.5 authorize such a provider who receives training relating to cultural competency as the employee of a facility that provides health care to use that training to satisfy the requirement that such a provider complete a certain number of hours of instruction concerning cultural competency and diversity, equity and inclusion.

5. Update from Transition Sub-Committee on Implementation of SB 217

- **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.

6. Review, Discussion, and Possible Approval of Board Activities Necessary to Implement SB 217 if it Passes (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.

7. Review of Financial Status with Discussion and Possible Approval of Spending Board Funds for Potential Expenditures Related to Implementation of SB217 if it Should Pass (For Possible Action)

## 8. Discussion and Possible Approval of Investigations:

- 2021-03 Pursuant to Nevada Revised Statute 437.440, *Potential Inappropriate Termination of Services*
- 2021-04 Pursuant to Nevada Revised Statute 437.440, *Potential Improper Implementation of Treatment Programming*

(For Possible Action)

## 9. Review, Discussion, and Possible Approval of Reinstatement of Behavior Analysts, Assistant Behavior Analysts, and Registered Behavior Technicians Who Failed to Renew and Pay the Biennial Fee Pursuant to Nevada Revised Statutes (NRS) 437.335 Automatic suspension for failure to pay biennial fee for renewal; reinstatement; notice of suspension. (For Possible Action)

See Attachment A for list of Individuals

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

## 11. Review, Discussion, and Possible Approval of Mission Statement, Values, Operating Policies, and Bylaws (For Possible Action)

## 12. Determine Future Agenda Items (For Possible Action)

## 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.)

## 14. Adjournment

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**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](mailto: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](mailto: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/>