

Bylaws for the Board of Applied Behavior Analysis
of the State of Nevada

Article I: Definitions

1. The term "ABA" refers to Applied Behavior Analysis
2. The term "BACB" refers to the Behavior Analyst Certification Board
3. The term "Board" refers to the State of Nevada, Board of Applied Behavior Analysis.
4. The term "Division" refers to the State of Nevada, Aging and Disability Services Division of the Department of Health and Human Services. (ADSD).
5. The term "LaBA" refers to Licensed Assistant Behavior Analyst
6. The term "LBA" refers to a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst
7. The term "NRS" refers to Nevada Revised Statutes
8. **RBT? --- does it need to be defined, or included if it's not referenced in the by-laws*

**Committees: Defer to statute*

Article II: Creation

Whereas, NRS 437.100 provides for the establishment of a Board of Applied Behavior Analysis, hereinafter referred to as the "Board". The Board was established January 2019 through the creation of NRS 437.

Article III: Purpose

The general purpose of the Board is to fulfill its duties under NRS 437. The Board is an organization whose purposes are to regulate and promote the analytical practice of the science of behavior and the application of its associated technologies within the State of Nevada. Specific purposes of the Board include:

1. Serve as a scientific and professional reference group for all in the State of Nevada who identify themselves as practitioners in disciplines that embrace the principles and practices of applied behavior analysis.
2. Ensure ethical and competent behavior analysts, assistant behavior analysts, and behavior technicians who conduct themselves with the highest degree of professional conduct.
3. Protect consumers of behavior analytic services in the State of Nevada.
4. Advise political, legislative, and policy-making bodies with respect to matters pertaining to behavior analysis in the State of Nevada.
5. Make, revise, and promulgate rules and regulations consistent with the provisions of NRS 437 governing its procedures for the examination and licensure, certification, or registration of applicants, and the granting, refusal, revocation or suspension of licenses, certificates or registrations ([see whatever document the state of Nevada uses on how to write Regulation](#)).
6. Investigate allegations or practices potentially violating applicable laws and regulations in the State of Nevada concerning the practice of applied behavior analysis.
7. Identify and promote the use of effective and humane behavioral systems in meeting the educational and habilitative needs of all persons within the State of Nevada.

Article IV: Mission

The mission of the Board is to safeguard the health, safety, and welfare of Nevadans by requiring those who practice ABA within this state to be qualified. The Board shall oversee the practice of ABA in Nevada through facilitation of legally mandated regulations for practitioners and ensure the prevention of harm towards consumers. The Board is guided by values ethics, integrity, an adherence to best practices, collaboration, protection, and transparency, to the best of its ability as pertains to law. The Board functions to serve consumers, practitioners, and the community.

Commented [MOU1]: I'm not sure if this was the language we voted on

Article V: Board Members

The Governor of the State of Nevada appoints members to the Board after submitting an application (see Job Announcement Document in policies and procedures manual). *The board encourages applicants for board positions from differing geographic areas in the state with a variety of experiences and backgrounds. The Board shall consist of five members.

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Commented [MOU3]: I would also state that the board encourages experience with a license beyond 5 years – this goes into serving as a subject matter expert for complaints

1. Members

- a.) Four Members who are behavior analysts licensed in the state.
- b.) One Community Member is a representative of the general public who is interested in the practice of applied behavior analysis. This member must not be a behavior analyst or assistant behavior analyst, an applicant or a former applicant for licensure as a behavior analyst or assistant behavior analyst, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a behavior analyst or assistant behavior analyst, or a member of a household that includes a behavior analyst or assistant behavior analyst.
- c.) All Board mMembers have voting privileges.

Commented [MOU4]: Do they need to be ACTIVE with their license?

2. Term of Appointment

- a.) Each Board member will serve a 4-year term.
- b.) A Board member may not serve more than 2 consecutive terms.

3. Working with the Division

- a) The Board will work in conjunction with Aging and Disabilities Services -the Division (to be named further as Division). These individuals assigned to the Board are considered Division employees and not members of the Board. However, they serve as the Board staff. These individuals may include function as the executive director of the Board, an assistant to the executive director administrative assistant, and/or a deputy attorney general.
- b) For specific division of duties between the Board and the Division see NRS 437.130; NRS 437.135; NRS 437.140; NRS 437.145 and the policies and procedures document outlining delegated Board duties to the Division (see document Board and Division Duties in the policies and procedures manual).

Commented [BF5]: We need to check this now that new regulations are in effect

4. Vacancy

- a) A vacancy occurring on the Board, due to death, resignation, or removal, shall be filled in the same manner as the original appointment, as described in Article V. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

5. Removal of a Board member (NRS 232 A)

a) A member *may reported to the Governor's office (*this also has to be agendized and discussed in OM)* the Board for *failure to meet the following standards (see Guidelines for Delivering Performance Feedback in Policy and Procedures Manual)* **Link to job descriptions** (including but not limited to) the following reasons:

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- i. Malfeasance or misconduct especially by a Board member.
- ii. Unexcused absences. (Absences are unexcused when there is no prior notification by the member to ~~ADSD support~~Board staff 48 hours prior to a meeting.) Upon the ___ unexcused absence, the ~~Division Board staff~~ notifies member, in writing, of their termination from the Board (see *Communication Guidelines in the Policy and Procedures Manual*).
- iii. Members who do not actively participate in Board business; do not return email communication and/or phone calls may be considered for removal, as well.
- iv. Causes that discredit the Board or state agency that can compromise its work, effectiveness and efficiency, create disharmony, or are the result of felonious behavior by the member.
- v. Intentionally violate the conflict of interest policy *or the conflict is irreversible.*

Commented [MOU6]: A board member may be recommended to the governor to be removed from the board for the following...

b) The ~~Division Board~~ may send a letter of reprimand to the member who fails to appear, or fails to give proper notice of an absence.

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6. Financial Compensation and Reimbursement

- a) Each member of the Board is entitled to receive a salary of not more than \$150 per day, *as fixed by the Division written in statute*, while engaged in the business of the Board, if funding is available for this purpose.
- b) While engaged in the business of the Board, each appointed member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if funding is available for this purpose.
- c) Compensation and expenses of the members and employees of the Board are payable out of the money derived from fees paid or transmitted to the Board and no part thereof may be paid out of the State Treasury.

Commented [MOU8]: Remove – “fixed”? It is in statute

Article VI: Board Responsibilities

Board members are expected to make contributions during their tenure on the Board per Nevada Board and Commissions Manual here.

1. The Board members are required to:
 - a) Attend Board Meetings
 - b) Vote about key decisions or policies
 - c) Contribute to Bylaw revisions
 - d) Contribute to regulations, policies, and procedure documents, and approval of such *(per Nevada Administration Rulemaking Manual here)*.
 - e) ~~Abide by Open Meeting Law~~ *(per Nevada Open Meeting Law Manual here)*.
2. The Board members may:
 - a) Make recommendations to the State and other organizations on the best implementation of ABA services, when previously approved by the Board to do so.
 - b) Serve as a liaison to the community, facilitating outreach and awareness efforts.
 - c) Perform hands-on work of various kinds
 - d) Offer informal opinions for discussion
 - e) Educate legislators of professional implications
 - f) Contribute to annual strategic goals/priorities

Commented [MOU9]: Pull from job descriptions

Commented [MOU10]: Oops – I failed to see that general member came before officers – so you can either combine as I did below or have them separated. Either way, they didn't have a section on staff. So, we can either have a full section with all members/staff or have them separated like it is here and then add a new section for staff.

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Article VII: ~~Officers~~Roles & Responsibilities

The Board shall elect from its membership a President and a Secretary-Treasurer, who shall hold office for 1 year beginning in January. The officers of the Board shall be elected by a majority vote of current members. A vacancy in any office, because of death, resignation, removal, or any other cause, shall be filled by election of current board members and shall serve for the unexpired portion of the term until the election and qualification of a successor. A member may not hold more than one office at a time. The President and Secretary also follow the duties as outlined in the Nevada Boards and Commissions Manual here.

1. ~~President~~- The President will be appointed by nomination of a Board Member and require a majority vote of Board Members to be appointed. The President must be a licensed behavior analysis. The President is elected to a one-year term. The President is responsible for:
 - a) Ensuring the ABA Board maintains its legal and financial status in good condition
 - b) Managing productivity of board meetings
 - c) Coordinating Board meetings through the Aging and Disabilities Service Division staff
 - d) Encouraging collaboration and communication
 - e) Implementing strategic actions at the discretion of the Board.
 - f) Providing timely, complete, and accurate reports and submissions to requesting State entities
 - g) Updating the Board, as needed, about changes in State policies and legislation that pertain to the field of behavior analysis
 - h) Attending meetings of outside organizations, upon consensus of the Board, in which the position of the Board has been requested or could be of use in that organization's decision-making.

2. ~~Secretary-Treasurer~~- The Secretary-Treasurer will be appointed by nomination of a Board Member and require a majority vote of Board Members to be appointed. The Secretary-Treasurer is elected to a one-year term. The Treasurer is responsible for:
 - a) The financial record keeping of the ABA Board
 - b) Managing the organization's financial affairs in consultation with the members of the Board and staff of the Aging and Disabilities Service Division.
 - c) Notifications to Board about budget or other financial issues that require action/attention.

Commented [MOU11]: Pull from job descriptions and Nevada State board manual

Commented [MOU12]: Pull from job descriptions and Nevada State board manual

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In addition to the officers of the board, the board also has two regular members and one community member. Their roles are essentially the same.

1. Board Member: (list from job descriptions)

Finally, the board staff may consist of an Executive Director and Administrative Assistant to perform the day-to-day duties of communicating with the constituents and processing applications.

1. Executive Director: (list from job description)
- ⇒2. Administrative Assistant: (list from job description),

Commented [MOU13]: May also want to include termination requirements (and see Guidelines for Delivering Performance Feedback in Policy & Procedures Manual).

Commented [MOU14]: Include in these that they "may" be compensated

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Article VIII: Governance/Rules of Order

The Board is guided by the Professional and Ethical Compliance Code set forth by the BACB and established education, training, and practice standards for licensees and registrants in the State of Nevada.

1. The Board will generally follow, as a guide, the Roberts Rules of Order where such rules do not conflict with NRS and these Bylaws.
2. Voting
 - a) Each Board member is allowed one vote per member.
 - b) A simple majority of the voting members of the Board constitutes a quorum and is required for the determination of any action to be taken.
 - c) All votes will be by voice, unless there is a request by a member for a roll call vote. If a roll call vote is made, the vote will be recorded by the secretary with an indication of the names and vote of each member present.
 - d) Ex-officio members may not vote or present motions.
 - e) Proxy voting is prohibited

Article IX: Meetings

All meetings of the Board shall be conducted in accordance with the Nevada Open Meeting Law, [per NRS 241.020](#) [and the Nevada Open Meeting Law Manual here](#). In order to conduct any official business, a quorum must be present among voting members. A quorum shall consist of 51% of the current voting members.

1. The board shall meet at least once annually for the purpose of electing officers and transacting other business.
- 4-2. ~~All meetings will adhere to the guidelines outlined in the Policy and Procedures Manual document (Guidelines For A Board Meeting. This includes guidelines for a standard board meeting, a special/emergency meeting, a public workshop, and the like.~~
- 2-3. ~~The Board and the Division shall determine dates of meetings.~~
- 3-4. ~~The Board may hold a special meeting upon a call of the President or upon the request of a majority of the members. Members must (should receive advance notice of the meeting to the extent practical* receive notice of special meetings at least five (5) business days in advance of said meeting.~~
- 4-5. ~~The President shall specify the meeting time and location of each meeting with input from the Board and Board staff. Participation in a meeting pursuant to this paragraph shall constitute presence in person or virtually (i.e., teleconference/video conference) at such meeting.~~
- 5-6. ~~The Board's mission statement and values will be read at the beginning of every meeting.~~
- 6-7. ~~Board members will be asked about general conflicts of interest or those specific to agenda items at the start of every meeting.~~
- 7-8. ~~Meetings are open to the public and subject to the requirements of the Nevada Open Meeting Law.~~
- 8-9. ~~Closed meetings are held for violations and applicant denial reviews.~~

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Article X: Agenda

The agendas for Board meetings shall be prepared as follows:

1. ~~The President shall develop agendas for regular and annual meetings with the assistance of the Board and Board staff.~~
2. ~~Board members, Board committees, other agencies, groups, organizations, or individuals desiring to place items on the agenda of a regular or annual meeting must present those items and statements of their purpose to the President not less than ten (10) business days before a forthcoming meeting. The president may include timely requested items on the agenda to their discretion.~~
3. ~~If items are presented less than ten (10) business days before a scheduled meeting, the items may be considered for the following meeting if they cannot fit into the forthcoming meeting.~~

4. ~~For special, or emergency meetings, the President shall develop agendas for special meetings with the assistance of the person requesting such meeting.~~
5. ~~The opportunity for public comment will be provided on each agenda per Open Meeting Law.~~
6. ~~The Board's mission statement shall be printed on each agenda.~~
1. ~~The agenda is then sent to the Executive Director. Each meeting regardless of type (regular board meeting, special/emergency meeting, public hearing, etc.) will have an agenda in accordance with Open Meeting Law.~~
2. ~~The agenda will primarily be constructed by the President with assistance from the Board and outside stakeholders.~~
3. ~~Refer to the outside document Agenda Guidelines in the Policies and Procedures Manual on how the agenda is formed, approved, and distributed.~~
7. ~~to construct on letterhead and to gain approval from the District Attorney General.~~
8. ~~4. Upon approval, the agenda is posted in compliance with [NRS 241.020](#)~~

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Article XI: Minutes

Minutes shall be kept of all Board meetings.

1. ~~The Secretary-Treasurer or an appointed Board staff will serve. A Division support staff to act as the recording secretary~~
2. ~~Minutes of each board meeting regardless of type (regular board meeting, special/emergency meeting, public hearing, etc.) will have minutes taken.~~
3. ~~Refer to the outside document Meeting Minutes Guidelines in the Policies and Proedures Manual regarding how meeting minutes are recorded, transcribed, saved, and disributed. The meeting minutes are posted in compliance with XXXXX Preparation of Minutes—Minutes of the previous meeting will be transcribed and made available for inspection by the public within 30 working days after the adjournment of the meeting~~
4. ~~_____~~

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~~The recording secretary will transcribe minutes from voice recording, notes taken at meeting, and from agenda exhibits.~~

Article X: Board Documents

~~Documents of board materials shall be stored for X amount of time.~~

2. ~~All paper documents for board-related matters (e.g., licensure files, complaint files) shall be stored in a (locked, secure....)....~~
 3. ~~All electronic documents for board-related matters (e.g., licensure files, complaint files) shall be stored in a (some privacy related type of file storage system...)~~
 4. ~~The President shall have access to all of these files at any time.~~
 5. ~~Upon request by the President, any board member shall have access to these files at any time.~~
 6. ~~The board staff, when designeated by the President, shall have access to these files at any time.~~
- a) ~~After a draft of minutes is prepared, they will be transmitted to members of the Board for review prior to the next meeting.~~
- b) ~~Final approval of the minutes will be made at the next Board meeting.~~
- c) ~~Minutes of each meeting of the Board are considered public record and will be maintained in the Administrative Office of the Division. _____~~

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****INSERT Article ____ : Documents Developed by the Board (i.e. logo, letterhead, job descriptions)

WHERE ARE THEY KEPT/CONTAINED?

Do we need to refer to them in this document?

Article XII: Conflict of Interest

Personal financial gain and private benefit to a Board member or his/her spouse, child, step-child, parent or step-parent through the member's participation on the Board shall be considered a conflict of interest.

1. The following actions are immediately prohibited and are considered conflicts of interest:

- a) No Board member or immediate family member, as mentioned above, shall seek to influence any vote regarding the awarding of a contract, a grant or other business from the Board when the individual knows that he or she has a direct or indirect financial interest in the awarding of such a contract or grant or other business.
 - i. "Direct financial interest" is a situation that would result in a pecuniary benefit in the form of cash, salary or property to a person or his/her immediate family;
 - ii. "Indirect financial interest" is any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.
 - iii. Except as compensation or reimbursement provided for by NRS Chapter 427A, no Board member, or his/her immediate family, may directly receive funds, including any portion of his/her salary, from any grant or contract funded by the Board without first disclosing his or relationship to a person or entity seeking a grant, contract or other business from the Commission.
- b) **No LBA Board member shall provide direct services to another Board member or his/her family while serving on the Board.**
- c) Nothing herein shall be construed to prohibit any firm, agency or organization that any member or immediate family member is associated with from appearing before the Board as part of the normal course business by the firm, agency or organization. Nor shall it be construed that employment in any firm, agency, or organization that any member or immediate family member is associated with prohibit any member from engaging in discussion of, presentation on, or vote on business that comes before the Board as part of the normal course of its activities.
- d) Any member, or family member of a Board member, who is a recipient of services from any division of the Department shall not be construed as having a conflict solely as a result of having a disability, being a recipient of services from any division of the Department or having a familial relationship with an individual with a disability or recipient of services from a division within the Department.
- e) Any member who is also a consumer of services from any agency, organization or project that receives funds through the Division shall not be considered to have a conflict of interest if his or her participation with that agency, organization or project is only as a consumer of services and does not exercise any administrative or decision-making authority in that project or organization.

2. There may be conflicts of interest that arise that are not captured in Section 1 that cause for some discussion. In the event that there is concern that a conflict of interest arises that may create a dual relationship, influence a vote, or create an imbalance of power, see Section 3.

2.3. In the event of a possible conflict of interest: **Everything refers to president, but what if they are the one with the conflict****Clean this up ***Standing reminder to disclose conflicts of interest*

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Commented [MOU21]: Bring it up with the Sec/Tres

- a) All members shall disclose conflicts of interest to the President, including uncertain or potential conflicts, as soon as the conflict becomes apparent. Members have an ongoing duty to disclose any conflicts of interest.
- b) A disclosure of a conflict, including refraining from voting on applicable items, shall be made at all applicable times.
- c) If a member is uncertain whether a conflict may exist in a specific situation, the Board shall determine if a conflict exists in consultation with the President and other ~~Division-Board~~ staff as appropriate.
- d) Disclosure of any conflicts of interest shall be recorded in the meeting minutes.
- e) A member who discloses or has been found to have a conflict of interest must not participate in any discussion on any matter related to the subject of the conflict or unduly influences or vote in those areas where a conflict has arisen.
- f) Any member may bring suspected violations of this policy to the Board.
- g) Once an allegation of a conflict has been brought to President's attention, the President shall notify the ~~Division-Board staff~~ and the member alleged to have violated the conflict of interest provisions of the allegation. Once a conflict has been reported the President or his/her designee will gather pertinent information regarding the alleged conflict of interest violation and provide such information to the Board.
- h) Once the President or his/her designee has gathered the pertinent information, the information will be forwarded to the Board for a determination of whether a conflict of interest exists at the Board's next regularly scheduled meeting.
- i) Once the Board determines if an allegation of a conflict of interest violation has been substantiated, the Board shall determine if the violation is intentional or unintentional.
- j) If it is determined by a majority vote of the Board that a violation of the conflict of interest provisions was intentional, the Board shall vote on the appropriate sanction, up to and including recommendation for removal of the member found to have a conflict of interest to the Board or to the governor.
- k) If it is determined by a majority vote of the Board that a violation of the conflict of interest provisions was unintentional, the Board, in consultation with the President, and other ~~Division-Board~~ staff as appropriate, shall define the area of the conflict of interest and instruct the Board member to refrain from participation or discussion when that area is the subject of any Board actions.

Article XIII: Amendments

Amendments or changes to these bylaws may be suggested by any Board ~~m~~Member, and are implemented if endorsed by more than two-thirds of the all members voting at the Board ~~m~~Meeting. Proposed amendments or changes must be submitted in writing to the Board prior to the vote being conducted.

Article XIV: By Laws

These Bylaws represent the rules of governance for the Board of Applied Behavior Analysis. They should be reviewed at least every three years to ensure applicability of guidance. When any changes to the by-law occur, they must be presented at the next regularly scheduled meeting, with changes approved by a simple majority of the voting members, with the current date of approval noted as footer.