



APPLIED BEHAVIOR ANALYSIS BOARD DRAFT MEETING MINUTES

Date of Posting: January 5, 2021

Date and Time of Meeting: January 13, 2021 10:00 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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[+1 775-321-6111,,701272664#](tel:+17753216111701272664) United States, Reno

Phone Conference ID: 701 272 664#

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 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)**

Dr. Fronapfel asked Rachel and Christy if they had any edits or modifications they would like to see in the meeting minutes. Christy asked to update Erick Dubuque's name in the first public from Eric to Erick and to update Kimberly Barracks to Kimberly Berens. Christy also discussed a fragmented sentence from her public comment and would like this to be rechecked.

Christy moved to accept the previous meeting minutes from December 16th, 2020 with the edits to change the spelling of names for Erick and Kimberly and completing a sentence in Christy's public comment in item 13. Rachel seconded the motion. All in favor, motion passed.

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

Molly Halligan, who currently functions as the chair of the Nevada Association for Behavior Analysts Public Policy Committee, presented her legislative update. Please read the full statement in Attachment A.

5. **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 Laryna if there were any updates for this agenda item. Laryna stated there were no updates to provide.

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

Dr. Fronapfel asked Christy and Rachel if they had a chance to review the materials. Christy shook her head no. Dr. Fronapfel gave an overview for this item by recalling the last meeting. She stated Dr. Kerri Milyko was able to clean up the bylaws for them and invited Dr. Milyko to speak and offer her feedback.

Dr. Milyko recommended for the board to discuss if licenses need to be active since it is not detailed in the statute. Dr. Milyko explained she had removed a lot of the language that she believes should be shifted into the policy and procedures. She had also included links to three general documents that are used by the state: Open Meeting Law (OML), the Administrative Guide, and Boards & Commissions.

Jennifer drew attention to the comment made on number 4 of the bylaws in Article IX which discusses to have 5 business days of advanced notice for special meetings. In Open Meeting Law, it is 3 business days. Jennifer explained since this will be a guiding document, number 6 will mean adding a standing agenda item to have the mission statement and values read at the beginning of every meeting and wanted to make sure this is what the board wants to do.

Dr. Fronapfel thanked Dr. Milyko for her work on the bylaws. She proposed to give Christy and Rachel more time to read through the document and come back to make the modifications. Christy agreed that she will need more time to read through it and thanked Dr. Milyko for her parting gift of updating the bylaws. Rachel agreed to have more time to review as well. Dr. Fronapfel asked the members to also review the Operations Manual.

Dr. Milyko explained it was discussed in a previous meeting for number 4 to state 5 days versus 3 days in order to have more time to schedule the meeting.

This agenda item was tabled.

7. Discussion and Possible Approval of Investigation 2021-01 Pursuant to Nevada Revised Statute 437.440, *Investigation into practice of applied behavior analysis without proper credential (For Possible Action)*

Jennifer explained while in the course of completing renewals, the Division discovered renewal applications from RBTs who are not currently registered with the state and have been practicing without being registered with the state. The Division would like to request approval from the Board to begin an investigation regarding the practice of Applied Behavior Analysis without the proper credential.

Dr. Fronapfel stated this is all the information the board may receive for a motion. Christy asked with the motion, if they would be defaulting to the president to conduct the investigation. Jennifer affirmed.

Christy made a motion to approve an investigation for complaint 2021-01 for practicing ABA without the proper credentials. Rachel seconded the motion. All in favor, motion passed.

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

Laryna explained the current statuses will look very different from the previous meeting as several have expired. The total numbers completed are as follows: 876 RBTs, 22 LaBAs, and 258 LBAs. The total number of licensed and registered that have expired are as follows: 656 RBTs, 14 LaBAs, and 64 LBAs. The following ABA professionals have deferred their payment for renewal: 36 RBTs, 1 LaBA, and 6 LBAs. Laryna clarified the deferred numbers are not included in the current numbers. The pending numbers are as follows: 109 RBTs and 30 LBAs. Laryna explained the pending numbers are most likely higher since there are also pending applications in Certemy. Currently there is no way to organize this nor a way to generate a report at this time. Certemy is currently working on generating these reports. Completed numbers for December are as follows: 69 RBTs, 1 LaBA and 18 LBAs were completed. So far in January, 15 RBTs and 2 LBAs have been processed.

Jennifer wanted to emphasize the focus is on renewals and unfortunately several waited until the last minute. Jennifer explained she and Laryna completed a 12-hour day on New Year's Eve at the office. Approximately 40 renewal applications and checks were received on December 31st. Several checks are being returned for incomplete information or because the amount is incorrect. Each time a payment is returned, they are sent via certified mail which costs around six dollars and seventy-five cents per envelope. Laryna stated there were 65 certified mail slips that have been returned and believes there are around 10 or more they are waiting to receive back. Jennifer asked to ensure payments are filled out correctly, are made payable to ADSD, and have signed the check or money order. An incorrect payment severely delays the process and is costly to the ABA Board.

Jennifer explained they are going into the legislative sessions which means the Division staff will be extremely busy. January is also the beginning of their furlough days for Jennifer and Laryna and responses may be delayed as well.

Jennifer gave a Certemy update. She explained that she would not recommend standing up a new software during a renewal season because it has caused a lot of confusion. They are noticing some workflow issues and they are working on them. When the professional goes online and completes the application, they will be able to locate their license in their Digital Wallet. Previously, if a renewal was completed in Certemy, the license still showed an expiration of December 31, 2020. This has been updated to reflect the new expiration.

Dr. Fronapfel asked if they will still mail out the renewal stickers for applications completed in Certemy. Jennifer responded by stating they will not be mailing out the stickers since the intention with the online application is to get rid of the manual process. Jennifer continued to explain as they learn how to process application steps in Certemy and learn more about the system, they are finding ways to improve the process. Certemy has been receptive with the requested changes and updates. Jennifer understands one of Christy's concerns were regarding the CEUs and they will be working on this with Certemy as well. They also continue to work with the

Secretary of State's office for online payments and are hoping to have this completed by April.

Laryna explained they were supposed to have a meeting scheduled previously to discuss CEUS, but unfortunately there were scheduling issues for everyone. Although it is not urgent, Laryna would like to have a meeting soon to ensure the CEUs get updated.

Jennifer stated in December, they had processed well over 1,000 individuals which is good for a staff of one and a half. They appreciate the industry's patience in working with them. They try to update the registry online at least every other day. These updates are also going out to Medicaid and the ATAP program.

Dr. Fronapfel explained for clarification for applicants waiting on background results to please be aware they do not have any control over the Department of Public Safety's (DPS) process and understands it is taking a significant amount of time. Once the fingerprints have been completed and sent in, the Division has to wait for them to run the background check. These results must also arrive via USPS mail. There is no way their staff can expedite this process because they are not the personnel involved in that process. If there are questions regarding statuses of applications and that is the response received, there is nothing more they can do and is required by NRS 437. Jennifer also explained backgrounds are taking up to 8 weeks to be received and encourages all applicants to read the fingerprint instructions as all background checks are to be done via livescan unless they live in a rural area. If it is completed on a physical card, then it will tack on at least another month for the waiting period and must go through a chain of custody. Another issue is if they have been waiting more than 30 days, they must provide the request form that contains the TCN in order for ADSD to be able to request a status update from DPS. If this form is not received, ADSD is not able to tell if it was completed or not. There is some personal responsibility for the applicant to complete their fingerprinting in a timely manner and to provide the request form once completed.

Christy stated she had sent an email to ADSD staff regarding everyone having consistent licenses. She understands one of the benefits with Certemy is they no longer have to mail out paper licenses; however, some still have the license that was issued out by the Board of Psychological Examiners. Christy found the gold seal from the scanned in license, that can be found in the Digital Wallet in Certemy, muted and is not able to see it and stated some people frame their license. The scanned in license in Certemy does not have great quality. Christy would like to have all the licenses look the same and with higher quality with also the option to receive a paper copy. Jennifer explained a physical copy of a license can still be requested, although there is a \$25 fee. If a licensee still has the Board of Psych license and wants it updated, the Division can do that as well upon request. If the board wants to have all of these updated, it can be done but it would be administratively burdensome with approximately 200 licenses that would need this update and would be somewhat costly. The Division will do what the board requests.

Dr. Fronapfel stated she understands Christy's point. She asked if the Division is still issuing the quality paper to newly licensed or registered individuals. Jennifer affirmed they still do receive the high-quality paper. Dr. Fronapfel would like the Division to continue working with Certemy to see if they can update a higher quality version and would like to keep this on the table. Rachel believed they should send out the quality license if they want it.

Christy referred back to the discussion of CEUs and agrees with Laryna that it is not at the top of the list but knows some people may want to put their CEUs in as they accrue them and would like to look into this sooner rather than later. Laryna stated she plans to schedule a meeting between end of January and early February so they can get it done.

Jennifer gave an update on the vacant board positions. She stated she had reached out to the Governor's office for Boards & Commissions and they have not appointed anyone yet. Jennifer is hopeful by next meeting they will have new members.

9. Review of Financial Status with Discussion and Possible Approval of Spending Board Funds for Conference/Training or other Potential Expenditures **(For Possible Action)**

Before providing the financial update, Christy asked Jennifer what was spent for in state travel. Jennifer stated they have not spent anything for in state travel and what they are seeing is the projected in state travel amount that was carried over from the previous fiscal year. Jennifer clarified by explaining it has not been spent but it is what was obligated. Christy stated they have \$171,400 in reserves. \$184,414 is their current revenue with \$32,565 for total expenses leaving the net operating \$150,848. Christy will share the revenue spreadsheet overview for 2020 next meeting. Christy would also like to start working on information from the DAWN report.

Jennifer wanted to state for the record that neither her salary nor Laryna's salary is paid out of the 3207 budget, and clarified they are not funded by the board.

Dr. Fronapfel asked if Christy had any information for FARB. Christy stated the conference is live eastern time. They can choose to be members to receive access to topics. When Christy last checked, they did not have full agendas available. Christy would not want to spend money to attend when she is not certain if she will be able to fully attend due to the COVID situation. It may also be hard to attend when also managing school and childcare. Rachel feels the same way as Christy. Dr. Fronapfel agreed.

Laryna stated she will add to the FAQs to provide an example of how to complete a check and money order.

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

The board members discussed future agenda items. Christy motioned to keep the standing agenda items and add values and mission statement, disclosing conflicts of interest, and to discuss returned checks and money orders. Rachel seconded the motion. All in favor, motion passed.

11. Public Comment

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No public comment.

12. Adjournment

Dr. Fronapfel adjourned the meeting at 11:07 AM.

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/>

